

ACTS OF THE FOURTH CONGRESS

OF THE

UNITED STATES

Passed at the first session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the seventh day of December, 1795, and ended on the first of June, 1796.

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President of the United States, and President of the Senate; SAMUEL LIVERMORE, President of the Senate pro tempore; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE I.

CHAPTER I.—*An Act making Appropriations for the Support of Government, for the year one thousand seven hundred and ninety-six.*

Feb. 5, 1796.

[Obsolete.]

Specific appropriations for support of government, for 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That for defraying the expenditure of the civil list of the United States, for the year one thousand seven hundred and ninety-six, together with the incidental and contingent expenses of the several departments and offices thereof, there be appropriated a sum of money, not exceeding five hundred and thirty thousand three hundred and ninety-two dollars and eighty-five cents; that is to say :

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

President and Vice President.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and ninety-three thousand four hundred and sixty dollars.

Senate and House of Representatives.

For the expenses of firewood, stationery, printing-work, and all other contingent expenses of the two houses of Congress, eleven thousand five hundred dollars.

For the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney General, forty-three thousand six hundred dollars.

For defraying the expense of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties; and likewise for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, twenty thousand dollars.

For making good deficiencies in the last-mentioned fund, in the appropriation of the year one thousand seven hundred and ninety-five, ten thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, seven thousand eight hundred and fifty dollars.

For incidental and contingent expenses in the said department, twenty-three thousand three hundred and eighty dollars.

For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eight thousand one hundred and fifty dollars.

For expense of stationery, printing and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

Specific appropriations for support of government, for 1796.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, ten thousand nine hundred dollars.

For expense of stationery, printing and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer, clerks and persons employed in his office, four thousand four hundred dollars.

For expense of firewood, stationery, printing, rent, and other contingencies in the treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand two hundred and fifty dollars.

For expense of stationery, printing, and other contingent expenses in the auditor's office, six hundred dollars.

For compensation to the commissioner of the revenue, clerks and persons employed in his office, five thousand two hundred and fifty dollars.

For expense of stationery, printing, and all other contingent expenses in the office of the commissioner, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, fourteen thousand seven hundred dollars.

For expense of stationery, printing, and all other contingent expenses in the register's office (including books for the public stocks) two thousand eight hundred dollars.

For compensation to the purveyor of public supplies, including his salary from the time of his appointment to the thirty-first day of December, one thousand seven hundred and ninety-five, three thousand six hundred and ninety-four dollars and forty-four cents.

For the payment of rent for the several houses employed in the treasury department (except the treasurer's office) one thousand nine hundred and eighty-six dollars and sixty-eight cents.

For expense of firewood and candles in the several offices of the treasury department, (except the treasurer's office) three thousand dollars.

For defraying the expense incident to the stating and printing the public accounts, for the year one thousand seven hundred and ninety-six, one thousand dollars.

For the payment of certain incidental and contingent expenses of the treasury department, in the year one thousand seven hundred and ninety-five, beyond the sum which was appropriated, two thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For payment of clerks allowed to several of the loan offices, for the year one thousand seven hundred and ninety-five, by an act of the last session of Congress, ten thousand one hundred dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, seven thousand and fifty dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses of the office of the Secretary of War (including the rent of the General Post Office which is kept under the same roof) one thousand eight hundred dollars.

For compensation to the accountant to the War department, clerks and persons employed in his office, six thousand four hundred and fifty dollars.

For contingent expenses in the office of the accountant to the War department, six hundred dollars.

For compensations to the following officers of the Mint: The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred dollars; the Melter and Refiner, one

thousand five hundred dollars; the Engraver, one thousand two hundred dollars; three clerks, at five hundred dollars each, one thousand five hundred dollars.

For the purchase of copper for the use of the mint, thirteen thousand dollars.

For defraying the expenses of labourers in the different branches of refining, melting and coining at the mint, eight thousand dollars.

For the pay of mechanics employed in repairing and making machinery for the mint, three thousand two hundred and sixty-four dollars.

For the purchase of ironmongery, lead, wood, coals, stationery, office-furniture, and for other contingencies of the establishment of the mint, eight thousand seven hundred dollars.

For making good deficiencies in the former appropriations for the mint, to the end of the year one thousand seven hundred and ninety-five, eighteen thousand three hundred dollars.

For compensations to the governors, secretaries and judges of the territory northwest, and the territory south of the river Ohio, ten thousand three hundred dollars.

For expenses of stationery, office-rent, printing, patents for lands, and other contingent expenses in both the said territories, seven hundred dollars.

For the payment of sundry pensions, granted by the late government, two thousand and seven dollars and seventy-three cents.

Pensions.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander True-man, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars.

1793, ch. 14.

For the annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

1793, ch. 23.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement, at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, three thousand dollars.

SEC. 2. *And be it further enacted*, That for the support of lighthouses, beacons, buoys, and public piers, for the year one thousand seven hundred and ninety-six; and to satisfy certain miscellaneous claims, stated in the report of the Secretary of the Treasury, of the fourteenth of December last, there be appropriated a sum not exceeding thirty-seven thousand six hundred and seventy-two dollars and nine cents, that is to say:

For support of lighthouses, &c.

For the maintenance and support of lighthouses, beacons, buoys, public piers, and stakeage of channels, bars and shoals, twenty-four thousand dollars.

To repay David Lenox, late marshal of the district of Pennsylvania, for payments made, with the approbation of the judge of the said district, to sundry persons, for summoning jurors to attend the district court of Pennsylvania, upon the trial of sundry persons committed for high treason, two hundred and fifty-six dollars and eighty-eight cents.

For the payment of a balance due to Lewis Pintard, agent for American prisoners in the city of New York, during the late war, four hundred and twenty-nine dollars and twenty-one cents.

For the payment of a balance due to the representatives of Thomas Smith, late commissioner of the loan office for the state of Pennsylvania, nine thousand and eleven dollars and ninety-seven cents.

For the payment of a balance due to the representatives of Joseph

Specific appropriations for support of government, for 1796.

Specific appropriations for support of government, for 1796.

Clark, late commissioner of the loan office for the state of Rhode Island, one thousand nine hundred and seventy-four dollars and three cents.

For the discharge of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

Ante, p. 138. SEC. 3. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States."

APPROVED, February 5, 1796.

STATUTE I.

Feb. 19, 1796.

CHAP. II.—*An Act further extending the time for receiving on Loan the Domestic Debt of the United States.*

[Obsolete.]

Act of March 3, 1797, ch. 25. Extension of the term for receiving on loan the domestic debt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the term for receiving on loan that part of the domestic debt of the United States, which has not been subscribed, in pursuance of the provisions heretofore made by law for that purpose, be, and the same is hereby further extended, until the thirty-first day of December next, on the same terms and conditions, as are contained in the act, intituled "An act making provision for the debt of the United States:" *Provided*, That the books for receiving the said subscriptions shall be opened only at the treasury of the United States.

Ante, p. 138.

Proviso.

Reimbursement of part of the principal.

SEC. 2. *And be it further enacted*, That it shall be lawful to reimburse so much of the principal of the debt or stock, which may be subscribed, pursuant to this act, as will make the reimbursement thereof equal in proportion and degree, to that of the same stock subscribed antecedent to the present year; and the said reimbursement shall be made at the expiration of the quarter in which such debt or stock shall be subscribed, and pursuant to the rules and conditions prescribed by the act, intituled "An act making further provision for the support of public credit, and for the redemption of the public debt."

1795, ch. 45. Provision for the payment of interest to non-subscribers.

SEC. 3. *And be it further enacted*, That such of the creditors of the United States, as have not subscribed, and shall not subscribe to the said loan, shall, nevertheless, receive, during the year one thousand seven hundred and ninety-six, a rate per centum on the amount of such of their demands as have been registered, or as shall be registered at the treasury, conformably to the directions in the act, intituled "An act making provision for the debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Ante, p. 138.

APPROVED, February 19, 1796.

STATUTE I.

March 10, 1796.

CHAP. IV.—*An Act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to certain officers of both Houses.*

[Obsolete.]

Allowance to senators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress, from and after the third day of March in the present year, each Senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any member of

the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or, after his arrival, shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always*, that no Senator shall be allowed a sum exceeding the rate of six dollars per day, from the end of one such session or meeting, to the time of his taking a seat in another.

Proviso.

SEC. 2. *And be it further enacted*, That at each session of Congress, each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any Representative shall be detained by sickness, on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, six dollars for every day he shall attend the House: *Provided always*, That no Representative shall be allowed a sum exceeding the rate of six dollars per day, from the end of one such session or meeting, to the time of his taking a seat in another.

Allowance to Representatives.

Proviso.

1812, ch. 127.

SEC. 3. *And be it further enacted*, That there shall be allowed to each chaplain of Congress at the rate of five hundred dollars per annum, during the session of Congress; to the Secretary of the Senate, and Clerk of the House of Representatives, fifteen hundred dollars per annum, each, to commence from the time of their respective appointments; and also a further allowance of two dollars per day to each, during the session of that branch, for which he officiates. And the said Secretary and Clerk shall each be allowed (when the President of the Senate, or Speaker shall deem it necessary) to employ one principal Clerk, who shall be paid three dollars per day, and two engrossing Clerks, who shall be paid two dollars per day, each, during the session, with the like compensations to such Clerks, respectively, while they shall be necessarily employed in the recess.

Allowance to the chaplains; to the Secretary of the Senate and the Clerk of the House of Representatives.

To Clerks;
1802, ch. 35.

SEC. 4. *And be it further enacted*, That there shall be allowed to the Sergeant-at-arms, the sum of four dollars per day, during every session of Congress, and while employed on the business of the House.

to the Serjeant-at-arms.

SEC. 5. *And be it further enacted*, That the said compensation, which shall be due to the members and officers of the Senate, shall be certified by the President; and that which shall be due to the members and officers of the House of Representatives, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public treasury.

How the said compensations shall be certified, &c.

APPROVED, March 10, 1796.

STATUTE I.

CHAP. V.—*An Act providing relief, for a limited time, in certain cases of invalid Registers.*

March 10, 1796.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby empowered, to allow to such vessels and their cargoes, whose registers have already, or that may, before the close of the present session of Congress, become invalid, by reason of a non-compliance with the terms of the fifth section of the act "concerning the registering and recording of ships or vessels," the same privileges and benefits, they would have been entitled to, if no such invalidity had taken place: *Provided*, it shall appear to him, that such non-compliance did not proceed from wilful negligence or an intention of fraud: *And provided also*, that a new register shall be obtained, in the manner pre-

Secretary of Treasury to allow certain privileges in cases of invalid registers on certain conditions.

Ante, p. 287.

scribed by law, for such vessels respectively, as may now be within the United States, within ninety days from the passing of this act; and for others, within the same time after their first arrival within the United States.

APPROVED, March 10, 1796.

STATUTE I.

March 12, 1796.

[Obsolete.]

Appropriation for the expense of the military establishment.

Out of what funds payable.

Ante, p. 138.

CHAP. VII.—*An Act making a partial appropriation for the support of the Military establishment, for the year one thousand seven hundred and ninety-six.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of five hundred thousand dollars be, and the same is hereby appropriated towards defraying the expenses of the military establishment, for the year one thousand seven hundred and ninety-six.

SEC. 2. *And be it further enacted,* That the said sum shall be paid and discharged out of the funds following, to wit: First, the balance which may remain unexpended of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States," after satisfying the appropriations made in the present session, for the support of government: Secondly, the surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-six.

APPROVED, March 12, 1796.

STATUTE I.

March 23, 1796.

[Obsolete.]

Provision for persons wounded or disabled in the militia, and for volunteers in the like case.

Extent of compensation to be allowed.

What persons this provision extends to.

Application to be made within one year after the end of the session.

CHAP. VIII.—*An Act for the relief of certain officers and soldiers who have been wounded or disabled in the actual service of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every commissioned, non-commissioned officer, private or musician, who has been wounded or disabled, while in the line of his duty, in actual service, called out by authority of any law of the United States, while he belonged to the militia; or any volunteer not belonging to the militia, who has been wounded or disabled, while in the line of his duty, in actual service, as aforesaid, shall be placed on the list of invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided,* the rate of compensation for such wounds and disabilities shall never exceed for the highest disabilities, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed five dollars per month; and that all inferior disabilities shall entitle the person so disabled, to receive only a sum in proportion to the highest disability: *And provided,* that these provisions shall not be construed to extend to any person wounded or disabled, before the fourth of March, one thousand seven hundred and eighty-nine, nor to any person wounded or disabled since that time, who has made application for a pension, under any existing law of the United States, and has been denied, or admitted on the pension list: *And provided,* that all applications herein shall be made within one year after the end of the present session of Congress.

APPROVED, March 23, 1796.

STATUTE I.

March 31, 1796.

[Obsolete.]

CHAP. X.—*An Act making certain provisions in regard to the Circuit Court, for the district of North Carolina.*

WHEREAS a sufficient quorum of judges did not attend to hold the circuit court, for the district of North Carolina, for the purpose of doing

business in June term, one thousand seven hundred and ninety-five; and no judge attended to hold the said court in November term, in the same year: in consequence whereof, certain provisions are now become necessary and expedient to prevent a failure of justice in the said court:

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall and may be lawful, for the district judge of the state of North Carolina, to direct the clerk of the said court, to issue such process for the purpose of causing persons to be summoned to serve as jurymen at the said court, at the term to commence the first day of June next, as has been before issued by the clerk of the said court for the like purpose returnable to June term, one thousand seven hundred and ninety-five; that the persons ordered by the said process to be summoned for the said purpose, shall be ordered to be summoned in the same proportion and from the same counties, as those persons who were ordered to be summoned for the like purpose by process returnable at June term, one thousand seven hundred and ninety-five: *Provided*, that it shall appear expedient to the said district judge, that a different time of notice shall be prescribed, than that hitherto prescribed, he may cause such other time of notice to be directed to be given as to him shall appear most conducive to justice, and convenient to the persons to be summoned: and the marshal is hereby directed to execute the said process so to be issued, and the persons who shall be legally summoned to attend as jurymen in consequence thereof, are hereby required to attend the said court, under the like penalties for disobedience as if the said process had been ordered to be issued by the said court in the ordinary method of proceeding: And the marshal and the persons who shall attend as jurymen in virtue of the said process so to be issued, shall be entitled to the like allowances for their services respectively.

SEC. 2. *And be it further enacted,* That all suits and proceedings, of what nature or kind soever, which have been commenced in the said court and not finished, shall be proceeded on at the ensuing term, in the same manner and to the same effect, as if the said circuit court had been regularly held for the purpose of business in June and November terms, one thousand seven hundred and ninety-five, and continuances had been regularly entered of all suits and proceedings in either or both of the said terms, in which they were depending, in the usual manner of proceeding, as the case might be.

SEC. 3. *And be it further enacted,* That all writs and other process sued out of the clerk's office of the said circuit court, according to the accustomed method bearing test in November term, one thousand seven hundred and ninety-four; June term, one thousand seven hundred and ninety-five, or November term, one thousand seven hundred and ninety-five, shall be held and deemed of the same validity and effect as if the respective terms of June and November, one thousand seven hundred and ninety-five, had been regularly held by a judge or judges competent to do business and continuances in respect to writs or other process returnable to the two last mentioned terms had been regularly entered.

APPROVED, March 31, 1796.

District judge of N. Carolina may order certain process for a jury to attend the circuit court at the next June term.

Different time of notice may be given to jurors.

No discontinuance on account of the court not having been held.

Process tested in certain terms to be nevertheless valid.

STATUTE I.

CHAP. XI.—*An Act to continue in force "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intitled "An act to ascertain the fees in admiralty proceedings in the district courts of the United States, and for other purposes," be, and is hereby continued in force, for the term of two years from the passing of this act, and from

March 31, 1796.

[Expired.]

March 1, 1793, ch. 20.

Continued in force two years,

thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, March 31, 1796.

STATUTE I.

April 8, 1796.

CHAP. XII.—*An Act authorizing the erection of a Lighthouse on Baker's Island, in the state of Massachusetts.*

Secretary of the Treasury to provide by contract for building a lighthouse on Baker's Island.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized and directed, to provide by contract, which shall be approved by the President of the United States, for building a lighthouse on Baker's Island, near the entrance into the harbor of Salem and Beverly, in the state of Massachusetts, (as soon as a cession of the jurisdiction, to the United States, over the land proper for the purpose, is made by the said state) and to furnish the same with all necessary supplies. And also, to agree for the salaries, or wages, of the person or persons, who may be appointed by the President, for the superintendence and care of the same; and that the President be authorized to make the said appointments: That the number or disposition of the light or lights, in the said lighthouse, be such, as may tend to distinguish it from others, as far as is practicable: And that six thousand dollars be appropriated for the same, out of any monies not otherwise appropriated,

Appropriation therefor.

APPROVED, April 8, 1796.

STATUTE I.

April 18, 1796.

CHAP. XIII.—*An Act for establishing Trading Houses with the Indian Tribes.*

Act of March 30, 1792.
President to establish trading houses,

1806, ch. 48.

and appoint agents for them,

their duties,

and oath.

To give bond.

Accounts to be made up half-yearly.

Agents, clerks, &c. not to carry on trade but on account of the United States, nor take other emolument than such as is provided by this act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the President of the United States, to establish trading houses at such posts and places on the western and southern frontiers, or in the Indian country, as he shall judge most convenient for the purpose of carrying on a liberal trade with the several Indian nations, within the limits of the United States.

SEC. 2. *And be it further enacted,* That the President be authorized to appoint an agent for each trading house established, whose duty it shall be, to receive, and dispose of, in trade, with the Indian nations afore-mentioned, such goods as he shall be directed by the President of the United States to receive and dispose of, as aforesaid, according to the rules and orders which the President shall prescribe; and every such agent shall take an oath or affirmation, faithfully to execute the trust committed to him; and that he will not, directly or indirectly, be concerned or interested in any trade, commerce or barter, with any Indian or Indians whatever, but on the public account; and shall also give bond, with sufficient security, in such sum as the President of the United States shall direct, truly and honestly to account for all the money, goods and other property whatever, which shall come into his hands, or for which, in good faith, he ought so to account, and to perform all the duties required of him by this act: And his accounts shall be made up half-yearly, and transmitted to the Secretary of the Treasury of the United States.

SEC. 3. *And be it further enacted,* That the agents, their clerks, or other persons employed by them, shall not be, directly or indirectly, concerned or interested in carrying on the business of trade or commerce, on their own, or any other than the public account, or take, or apply to his or their own use, any emolument or gain for negotiating or transacting any business or trade, during their agency or employment, other than is provided by this act. And if any such person shall offend

against any of the prohibitions aforesaid, he or they shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit to the United States, a sum not exceeding one thousand dollars, and shall be removed from such agency or employment, and forever thereafter be incapable of holding any office under the United States: *Provided*, That if any other person, than a public prosecutor, shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty, when received, shall be for the use of the person giving such information.

Penalty.

Half of the penalty to be for the use of the informer, if he is not a public prosecutor.

SEC. 4. *And be it further enacted*, That the prices of the goods supplied to, and to be paid for by the Indians, shall be regulated in such manner, that the capital stock furnished by the United States may not be diminished.

Prices of goods how to be regulated.

SEC. 5. *Be it further enacted*, That during the continuance of this act, the President of the United States be, and he is hereby authorized to draw annually from the treasury of the United States, a sum not exceeding eight thousand dollars, to be applied, under his direction, for the purpose of paying the agents and clerks; which agents shall be allowed to draw out of the public supplies, two rations each, and each clerk one ration per day.

Pay and allowance to agents and clerks.

SEC. 6. *And be it further enacted*, That one hundred and fifty thousand dollars, exclusive of the allowances to agents and clerks, be and they are hereby appropriated for the purpose of carrying on trade and intercourse with the Indian nations, in the manner aforementioned, to be paid out of any monies unappropriated in the treasury of the United States.

Appropriation for the trade with the Indians.

SEC. 7. *And be it further enacted*, That if any agent or agents, their clerks, or other persons employed by them, shall purchase, or receive of any Indian, in the way of trade or barter, a gun or other article commonly used in hunting; any instrument of husbandry, or cooking utensil, of the kind usually obtained by Indians in their intercourse with white people; any article of clothing (excepting skins or furs) he or they shall, respectively, forfeit the sum of one hundred dollars for each offence, to be recovered by action of debt, in the name, and to the use of the United States, in any court of law of the United States, or of any particular state having jurisdiction in like cases, or in the supreme or superior courts of the territories of the United States: *Provided*, that no suit shall be commenced except in the state or territory within which the cause of action shall have arisen, or the defendant may reside: And it shall be the duty of the superintendents of Indian affairs and their deputies, respectively, to whom information of every such offence shall be given, to collect the requisite evidence, if attainable, and to prosecute the offender, without delay.

Penalty of agents, clerks, &c. purchasing certain articles from the Indians.

Suit therefor where to be commenced.

Duty herein of superintendents of Indian affairs.

SEC. 8. *And be it further enacted*, That this act shall be in force for the term of two years, and to the end of the next session of Congress thereafter, and no longer.

Limitation of this act.

APPROVED, April 18, 1796.

STATUTE I.

CHAP. XIV.—*An Act supplementary to an act entitled "An act to provide a Naval Armament."*

April 20, 1796.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be authorized to continue the construction and equipment (with all convenient expedition) of two frigates of forty-four, and one frigate of thirty-six guns, any thing in the act, entitled "An act to provide a naval armament," to the contrary notwithstanding.

Act of March 27, 1794, ch. 12. President to continue the construction and equipment of three frigates.

Ante, p. 394.

SEC. 2. *And be it further enacted*, That so much of the sum of six hundred and eighty-eight thousand eight hundred and eighty-eight dol-

Appropriation therefor.

Certain materials to be sold :

others to be preserved.

lars and eighty-two cents, which, by the act of June the ninth, one thousand seven hundred and ninety-four, was appropriated (to defray the expenses to be incurred pursuant to the act to provide a naval armament) as remains unexpended, as well as the sum of eighty thousand dollars which was appropriated for a provisional equipment of galleys, by the before recited act, be appropriated for the said purposes.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, to cause to be sold, such part of the perishable materials as may not be wanted for completing the three frigates, and to cause the surplus of the other materials to be safely kept for the future use of the United States.

APPROVED, April 20, 1796.

April 20, 1796.

CHAP. XV.—*An Act authorizing and directing the Secretary at War to place certain Persons, therein named, on the Pension List.*

[Obsolete.]
Secretary at War to place certain persons on the list of invalid pensioners at certain rates.

1793, ch. 17.

Pensioners and their rates.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary for the department of War be, and he is hereby directed, to place upon the list of invalid pensioners of the United States, the persons herein after named, who have been returned, as such, by the judges of the several districts, pursuant to the act of Congress, passed the twenty-eighth day of February, one thousand seven hundred and ninety-three, intituled "An act to regulate the claims to invalid pensions," at the rates and proportions annexed to the names of the said persons, respectively ; that is to say :

Of the district of Maine: Daniel Brawn, a private, two thirds of a pension ; John Knowles, a private, one third of a pension : Ebenezer Phinney, a private, one fourth of a pension.

Of the district of New Hampshire: Jonas Adams, a private, one third of a pension ; Andrew Aiken, a sergeant major, three fourths of a pension ; Caleb Aldrich, a sergeant, a full pension ; Caleb Austin, a private, one third of a pension ; John Barter, a sergeant, half a pension ; Archelaus Batchelder, a sergeant, half a pension ; Ebenezer Bean, a private, one third of a pension ; Job Briton, a private, one third of a pension ; Ebenezer Carleton, a private, three fourths of a pension ; Levi Chubbock, a fifer, one fourth of a pension ; Edward Clark, a sergeant, one fourth of a pension ; Morrell Coburn, a private, one fourth of a pension ; Richard Colony, a private, half a pension ; Ebenezer Copp, a sergeant, a full pension ; James Crombie, a lieutenant, a full pension ; William Curtis, a private, half a pension ; Henry Danforth, a private, half a pension ; James Dean, a private, one fourth of a pension ; Lemuel Dean, a private, half a pension ; Thomas Eastman, a private, three fourths of a pension ; Ebenezer Fletcher, a fifer, one fourth of a pension ; James Ford, a captain, half a pension ; Stephen Fuller, a private, one third of a pension ; Moses Sweat George, a private, half a pension ; Joshua Gilman, a private, two thirds of a pension ; Windsor Gleason, a private, one fourth of a pension ; Joseph Greely, a private, one fourth of a pension ; Joseph Green, a private, half a pension ; Joshua Haynes, a private, half a pension ; Joseph Hilton, a lieutenant, half a pension ; Nathan Holt, a private, one fourth of a pension ; Jonathan Holten, a lieutenant, half a pension ; Caleb Hunt, a private, half a pension ; Humphrey Hunt, a private, one fourth of a pension ; Charles Huntoon, junior, a private, one third of a pension ; Zadock Hurd, a private, one third of a pension ; Ebenezer Jennings, a sergeant, one fourth of a pension ; Peter Johnson, a private, one fourth of a pension ; Thomas Kimball, a private, one fifth of a pension ; Abraham Kimball, a private, half a pension ; Benjamin Knight, a sergeant, one third of a pension ; John Knight, a private, half a pension ; Jonathan Lake, a corporal, half a pension ; John Lapish, a private, one

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fourth of a pension; Nathaniel Leavitt, a corporal, half a pension; John Lincoln, a private, one fourth of a pension; Joshua Lovejoy, a sergeant, half a pension; William Lowell, a sergeant, three fourths of a pension; Jonathan Margery, a private, two thirds of a pension; James Moore, a private, a full pension; Samuel Morrell, a private, two fifths of a pension; Joseph Moss, a private, two thirds of a pension; Jotham Nute, a sergeant, half a pension; Phinehas Parkhurst, a fifer, a full pension; Amos Pierce, a lieutenant, one third of a pension; Silas Pierce, a lieutenant, half a pension; Joel Porter, a private, one fourth of a pension; Samuel Potter, a sergeant, half a pension; Thomas Pratt, a private, half a pension; Jeremiah Pritchard, a lieutenant, half a pension; Asa Putney, a sergeant, half a pension; Charles Rice, a private, half a pension; John Smith, a sergeant, half a pension; Samuel Stocker, a private, half a pension; William Taggart, an ensign, half a pension; Eliphalet Taylor, a private, one third of a pension; Ebenezer Tinkham, a private, one third of a pension; John Varnum, a private, half a pension; Edward Waldo, a lieutenant, two thirds of a pension; Weymouth Wallace, a private, half a pension; Josiah Walton, a private, one third of a pension; Jacob Wellman, junior, a private, one fourth of a pension; Francis Whitcomb, a private, one third of a pension; Robert B. Wilkins, a private, two thirds of a pension; Jonathan Willard, an ensign, one fourth of a pension; Seth Wyman, a private, one fourth of a pension.

Of the district of Massachusetts: Thomas Alexander, a captain, half a pension; Ephraim Bailey, a private, half a pension; Robert Bancroft, a private, one sixth of a pension; James Batchelder, a private, one fourth of a pension; James Campbell, a private, one fourth of a pension; Caleb Chadwick, a private, one fourth of a pension; Barnabas Chapman, a private, one third of a pension; Richard Chase, a private, half a pension; Joseph Coxe, a sergeant, two thirds of a pension; Thomas Crowell, a private, a full pension; Levi Farnsworth, a private, half a pension; Benjamin Farnum, a captain, one third of a pension; Moses Fitch, a private, one fifth of a pension; Frederick Follett, a private, half a pension; Joseph Frost, a private, one eighth of a pension; Uriah Goodwin, a private, one fourth of a pension; Joseph Hale, a private, half a pension; Gamaliel Handy, a private, two thirds of a pension; Peter Hemenway, a private, half a pension; Jesse Holt, a corporal, one eighth of a pension; Job Lane, a private, half a pension; Ebenezer Learned, a colonel, one fourth of a pension; Moses MFarland, a captain, one third of a pension; Hugh Maxwell, a captain, one eighth of a pension; John Maynard, a lieutenant, one tenth of a pension; Tilley Mead, a private, one fourth of a pension; Elisha Munsell, a private, half a pension; John Nixon, a colonel, one third of a pension; Timothy Northam, a private, one third of a pension; Joseph Peabody, a private, one third of a pension; Amos Pearson, a sergeant, one fifth of a pension; Abner Pier, a private, half a pension; Job Priest, an ensign, one third of a pension; Amasa Scott, a private, one fourth of a pension; Robert Smith, a private, two thirds of a pension; Silvanus Snow, a private, one third of a pension; Cesar Sprague, a private, half a pension; Samuel Warner, a private, half a pension; William Warren, a lieutenant, one third of a pension; Samuel Willington, a private, half a pension; Nahum Wright, a sergeant, one eighth of a pension.

Of the district of Rhode Island: Clark Albro, a private, one fourth of a pension; John Baggs, junior, a sergeant, one third of a pension; Robert Cars, a private, half a pension; Jonathan Davenport, a private, one twenty-fourth of a pension; Nathan Jaquays, a private, one third of a pension; William Lunt, a private, half a pension; George Popple, a sergeant, one eighth of a pension; Job Snell, a private, one fourth of a pension; Edward Vose, a sergeant, one sixth of a pension.

Of the district of Connecticut: Theodore Andrus, a private, a full

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pension; Samuel Andrus, a corporal, half a pension; William Bailey, a private, one fourth of a pension; Robert Bailey, a private, one fourth of a pension; Job Bartram, a captain, half a pension; Francis Baxter, a private, three fourths of a pension; Enos Blakesly, a private, a full pension; David Blackman, a private, two thirds of a pension; Elijah Boardman, a sergeant, three fourths of a pension; Jonathan Bowers, a corporal, half a pension; Aner Bradley, a sergeant, half a pension; Jedediah Brown, a sergeant, one fourth of a pension; Isaac Buel, a private, one third of a pension; Oliver Burnham, a sergeant, one fourth of a pension; William Burritt, a private, one fourth of a pension; John Chappell, a private, one third of a pension; Elisha Clark, a private, one fourth of a pension; Jonah Cook, a private, half a pension; Henry Cone, a private, one fourth of a pension; Simon Crosby, a private, half a pension; Prince Dennison, a private, half a pension; Israel Dibble, a private, one third of a pension; Gershom Dorman, a private, one third of a pension; Joseph Dunbar, a corporal, three fourths of a pension; Henry Filmore, a private, half a pension; Samuel French, a private, half a pension; Burr Gilbert, a corporal, two thirds of a pension; David Hall, junior, a sergeant, half a pension; Nathan Hawley, a corporal, one third of a pension; Daniel Hewitt, a sergeant, one third of a pension; Isaac Higgins, a private, half a pension; Thurston Hilliard, a private, one third of a pension; Thomas Hobby, a major, half a pension; John Horseford, a private, one eighth of a pension; Benjamin Howd, a private, three fourths of a pension; Elijah Hoyt, a private, half a pension; David Hubbel, a private, half a pension; Enock Jacobs, a private, three fourths of a pension; Robert Jeroin, a fifer, one fourth of a pension; Aaron Kelsey, a lieutenant, one fourth of a pension; Lee Lay, a captain, one sixth of a pension; John Ledyard, a private, three fourths of a pension; William Leeds, a lieutenant, half a pension; Naboth Lewis, a private, two thirds of a pension; Nathaniel Lewis, a private, one fourth of a pension; George Lord, a private, half a pension; Samuel Loomis, a corporal, one fourth of a pension; Jeremiah Markham, a sergeant, half a pension; Allyn Marsh, a corporal, half a pension; Josiah Merryman, a corporal, two thirds of a pension; Stephen Minor, a quarter gunner, half a pension; Justus Munn, a private, half a pension; Elnathan Norton, a private, three fourths of a pension; Joseph Otis, a private, half a pension; Thomas Parmelee, a sergeant, one eighth of a pension; Chandler Pardie, a private, seven eighths of a pension; Frederick Platt, a private, one third of a pension; Daniel Preston, a private, one third of a pension; David Ranney, a private, three fourths of a pension; Solomon Reynolds, a private, two thirds of a pension; Isaac Richards, a private, one third of a pension; Samuel Rossetter, a private, half a pension; Elijah Royce, a private, three fourths of a pension; Elihu Sabin, a private, half a pension; Samuel Sawyer, a private, half a pension; Nathaniel Scribner, a captain, one fourth of a pension; Thomas Shepherd, a private, one fourth of a pension; Amos Skeel, a private, one third of a pension; Heber Smith, a sergeant, half a pension; Aaron Smith, a private, one fourth of a pension; Edmund Smith, a private, half a pension; Josiah Spalding, a lieutenant, half a pension; Samuel Stillman, a private, half a pension; Benjamin Sturges, a private, one sixth of a pension; Enock Turner, junior, a private, two thirds of a pension; Richard Watrous, a private, three fourths of a pension; Stephen Wells, a lieutenant, half a pension; Jonathan Whaley, a private, one fourth of a pension; Ezra Willcox, a private, one fourth of a pension; Azel Woodworth, a private, three fourths of a pension.

Of the district of Vermont: Elijah Barnes, a private, one fourth of a pension; Elijah Bennett, a private, half a pension; Gideon Brownson, a major, a full pension; Thomas Brush, a private, one fourth of a pension; David Brydia, a private, half a pension; Nathan Burr, a private, half a

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pension; James Campbell, a private, half a pension; Oliver Darling, a private, five eighths of a pension; Samuel Eyres, a private, one fourth of a pension; Asa Gould, a private, half a pension; Benjamin Gould, a private, half a pension; Amasa Grover, a private, one third of a pension; William Hazeltine, a private, half a pension; Jonathan Haynes, a private, two thirds of a pension; Zimri Hill, a private, half a pension; William Hunt, a private, half a pension; Elijah Knight, a private, one fourth of a pension; Ebenezer M'Ilvain, a private, half a pension; William Martin, a private, two thirds of a pension; Pliny Pomeroy, a private, four fifths of a pension; Moses Saunderson, a private, two thirds of a pension; John Stark, a captain, one fourth of a pension; Thomas Torrance, a private, half a pension; Benjamin Tower, a private, two thirds of a pension; William Waterman, a private, one third of a pension; John Wilson, a sergeant, one third of a pension.

Of the district of New York: Thomas Baldwin, a sergeant, half a pension; Abraham Blauvelt, a private, a full pension; Thomas Brooks, a private, three fourths of a pension; Duncan Campbell, a lieutenant, half a pension; William Champenois, a private, three fourths of a pension; Russell Chappell, a private, half a pension; Jeremiah Everett, a private, half a pension; Samuel Miller, a private, a full pension; Jared Palmer, a sergeant, half a pension; Stephen Powell, a private, one sixteenth of a pension; John Rogers, a private, half a pension; William Smith Scudder, a private, half a pension; James Slater, a private, half a pension; John Utters, a private, three fourths of a pension; John Vaughan, a sergeant, one fourth of a pension; Asa Virgil, a private, one fourth of a pension.

Of the district of New Jersey: William Crane, a lieutenant, a full pension; William Oliver, a lieutenant, two thirds of a pension; Joel Phelps, a private, half a pension; Samuel Taylor, a corporal, two thirds of a pension.

Of the district of Pennsylvania: John Cardiffe, a private, a full pension; Josiah Conckling, a private, half a pension; William Dewitt, a private, half a pension; Thomas Eagan, a matross, half a pension; Jacob Fox, a private, one third of a pension; Alexander Garrett, a private, three fourths of a pension; Samuel Gilman (alias Gilmore,) a private, half a pension; Adam Godenberger, a private, one fourth of a pension; John Haley, a corporal, three fourths of a pension; David Hickey, a private, a full pension; Lawrence Hipple, a private, half a pension; Nathaniel Hubble, a major, two thirds of a pension; Philip Lauer, a sergeant, one fourth of a pension; Charles M'Cormick, a private, a full pension; William M'Hatton, a lieutenant, a full pension; Michael Orner, a private, one fourth of a pension; Griffith Rees, a private, half a pension; Thomas Richart, a private, a full pension; Edward Wade, a private, half a pension; Thaddeus Williams, a private, one fourth of a pension; John Wright, a sergeant, half a pension.

Of the district of Delaware: Donald M'Donald, a corporal, a full pension.

Of the district of Maryland: John Bean, a private, half a pension; William Ormond, a private, three fourths of a pension.

Of the district of Virginia: John Bell, a lieutenant, three fourths of a pension; David Welch, a private, a full pension.

Of the district of Kentucky: James Speed, a lieutenant, a full pension.

Of the district of North Carolina: John Benton, a private, a full pension; George Bledsoe, a private, a full pension; Thomas Chiles, a captain, two thirds of a pension; James Christian, a private, half a pension; Robert Harris, a private, a full pension; John Knowles, a private, two thirds of a pension; James Smith, a private, a full pension.

SEC. 2. *And be it further enacted,* That the pensions allowed by this

These pensions how to be estimated.

Return of commutation.

1791, ch. 2.

These pensions how to be paid.

act, shall be estimated in manner following; that is to say: A full pension to a commissioned officer shall be considered, the one half of his monthly pay, as by law established; and the proportions less than a full pension shall be the like proportions of half pay: And a full pension to a non-commissioned officer or private soldier, shall be five dollars per month; and the proportions less than a full pension, shall be the like proportions of five dollars per month: *Provided*, That every commissioned officer who shall, by virtue of this act, be placed on the pension list, as entitled to a sum less than a full pension, shall receive such pension, only upon compliance with the same rule respecting a return of the commutation, which he may have received, as is provided for, in the case of captain David Cook, by an act of Congress, passed December the sixteenth, one thousand seven hundred and ninety-one.

SEC. 3. *And be it further enacted*, That the pensioners aforesaid shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the list of pensioners of the United States, under such restrictions and regulations, in all respects, as are prescribed by the laws of the United States, in such cases provided.

APPROVED, April 20, 1796.

STATUTE I.

April 28, 1796.

CHAP. XVI.—*An Act in addition to an act intituled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt."*

[Obsolete.]

Commissioners of the sinking fund to pay the funded stock bearing an interest of six per cent. by dividends.

Ante, p. 433.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the commissioners of the sinking fund, and they are hereby required, to cause the funded stock of the United States bearing a present interest of six per centum per annum, to be reimbursed and paid, in manner following, to wit: First, by dividends to be made on the last days of March, June and September for the present year, and from the year one thousand seven hundred and ninety-seven, to the year one thousand eight hundred and eighteen inclusive, at the rate of one and one half per centum upon the original capital. Secondly, by dividends to be made on the last day of December for the present year, and from the year one thousand seven hundred and ninety-seven, to the year one thousand eight hundred and seventeen inclusive, at the rate of three and one half per centum upon the original capital; and by a dividend to be made on the last day of December, in the year one thousand eight hundred and eighteen, of such a sum, as will be then adequate, according to the contract, for the final redemption of the said stock.

The funded debt, the interest of which is deferred, also by dividends;

SEC. 2. *And be it further enacted*, That it shall be lawful for the said commissioners of the sinking fund, and they are hereby required, to cause the funded debt of the United States, upon which an interest of six per centum per annum will commence on the first day of January, in the year one thousand eight hundred and one, to be reimbursed and paid, in manner following, to wit: First, by dividends to be made on the last days of March, June and September, from the year one thousand eight hundred and one, to the year one thousand eight hundred and twenty-four, inclusively, at the rate of one and one half per centum upon the original capital: Secondly, by dividends to be made on the last day of December, from the year one thousand eight hundred and one, to the year one thousand eight hundred and twenty-three, inclusively, at the rate of three and one half per centum upon the original capital: and by a dividend to be made on the last day of December, in the year one thousand eight hundred and twenty-four, of such a sum, as will be then adequate, according to the contract, for the final redemption of the said stock.

SEC. 3. *And be it further enacted*, That it shall be lawful for the

said commissioners of the sinking fund, and they are hereby required, to cause to be reimbursed and paid in manner before prescribed, such sum and sums, as, according to the right for that purpose reserved, may rightfully be paid for and towards the reimbursement or redemption of all such balances of the funded debt or stock of the United States, bearing a present interest of six per centum per annum, or which will bear a like interest, from and after the first day of January, in the year one thousand eight hundred and one, as stand to the credit of certain states, in consequence of an act passed on the thirty-first day of May, in the year one thousand seven hundred and ninety-four; and with the consent of the said states, such additional sums, as will render the reimbursement of the said balances equal to that made upon the residue of the said stock, at the commencement of the present year.

SEC. 4. *And be it further enacted*, That, in addition to the sums already appropriated to the sinking fund, by the act, intituled "An act making further provision for the support of public credit, and for the redemption of the public debt," there shall be, and is hereby, in like manner, appropriated to the said fund, such a sum of the duties on goods, wares and merchandise imported on the tonnage of ships and vessels, and on spirits distilled in the United States and on stills, as, with the monies, which now constitute the sinking fund, and shall accrue to it, in virtue of the provisions already made by law, and the interest upon the sums which shall be annually reimbursed, will be sufficient, yearly and every year, to reimburse and pay the said balances standing to the credit of certain states, in the manner herein before prescribed and directed.

SEC. 5. *And be it further enacted*, That it shall be lawful for the commissioners of the sinking fund, to appoint a secretary, whose duty it shall be, to record and preserve their proceedings and documents, and to certify copies thereof, when thereunto duly required; and the said secretary shall be allowed a compensation not exceeding two hundred and fifty dollars, annually, for his services.

APPROVED, April 28, 1796.

And certain sums of balances of funded debt or stock, standing to the credit of certain states, in like manner.

Ante, p. 371.

Appropriation for the payment of said balances standing to the credit of certain states.

1795, ch. 45.

The commissioners may appoint a secretary.

His compensation.

STATUTE I.

May 6, 1796.

CHAP. XVII.—*An Act making an Appropriation towards defraying the Expenses which may arise in carrying into effect the Treaty of Amity, Commerce and Navigation, made between the United States and the King of Great Britain.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That towards defraying the expenses which may arise in carrying into effect the treaty of amity, commerce and navigation, made between the United States and the king of Great Britain, there be appropriated a sum not exceeding eighty thousand eight hundred and eight dollars, to be paid out of the duties on impost and tonnage, to the end of the present year, not already appropriated; *Provided*, that the compensations to be allowed to any of the commissioners appointed, or to be appointed, in pursuance of any article of the said treaty, shall not exceed, to those who shall serve in Great Britain, the rate of six thousand six hundred and sixty-seven dollars and fifty cents, per annum; and to those who shall serve in the United States, the rate of four thousand four hundred and forty-five dollars, per annum.

APPROVED, May 6, 1796.

[Obsolete.]

Appropriation towards defraying the expenses of carrying the treaty of amity, commerce, &c. between the United States and Great Britain, into effect.

Limitation of the commissioners' compensation.

STATUTE I.

May 6, 1796.

CHAP. XVIII.—*An Act making an appropriation for defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the King of Spain.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defray-

[Obsolete.]

Appropriation for the expenses

of carrying into effect the treaty made between the United States and the king of Spain.

Limitation of the commissioners' compensation.

ing the expenses which may arise in carrying into effect, the treaty made between the United States and the king of Spain, a sum not exceeding eighteen thousand six hundred and eighty-three dollars, be, and the same hereby is appropriated, to be satisfied from the duties of impost and tonnage, to the end of the present year, not heretofore appropriated: *Provided*, That the compensation to be allowed to any of the commissioners, to be appointed in pursuance of any article of the said treaty, shall not exceed the rate of three thousand five hundred dollars, per annum.

APPROVED, May 6, 1796.

STATUTE I.

May 6, 1796.

[Obsolete.]

\$24,000 per annum appropriated for the payment of the annuity to the Dey and Regency of Algiers.

CHAP. XIX.—*An Act making an appropriation for defraying the expenses which may arise in carrying into effect the Treaty made between the United States and the Dey and Regency of Algiers.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses of carrying into effect the treaty made between the United States and the Dey and Regency of Algiers, the monies arising under the revenue laws of the United States, which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, to the amount of twenty-four thousand dollars per annum, be, and the same are hereby pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Dey and Regency of Algiers, and to continue so pledged and appropriated, so long as the said treaty shall be in force.

APPROVED, May 6, 1796.

STATUTE I.

May 6, 1796.

[Obsolete.]

Appropriation for defraying the expenses of carrying into effect a treaty made between the United States and certain Indian tribes, northwest of the river Ohio.

CHAP. XX.—*An Act making Appropriations for defraying the Expenses which may arise in carrying into effect a Treaty made between the United States and certain Indian Tribes, northwest of the river Ohio.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of defraying the expenses which may arise in carrying into effect the treaty made between the United States and the tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimes, Miamis, Eel river, Weeá, Kickapoo, Piankashaw, and Kaskaskias, at Greenville, on the third day of August, one thousand seven hundred and ninety-five, the monies arising under the revenue laws of the United States, which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, be, and are hereby pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Indian tribes; that is to say; to the Wyandots, one thousand dollars; to the Delawares, one thousand dollars; to the Shawanoes, one thousand dollars; to the Ottawas, one thousand dollars; to the Chippewas, one thousand dollars; to the Putawatimes, one thousand dollars; to the Miamis, one thousand dollars; to the Eel river, Weeá, Kickapoo, Piankashaw and Kaskaskias tribes, each five hundred dollars: And to continue so pledged and appropriated, so long as the said treaty shall be in force. And that a further sum of one thousand five hundred dollars, out of the monies aforesaid, be also appropriated to defray the cost of transportation, and other contingent charges which may arise from the payment of the said annuity, according to the stipulations contained in the said treaty.

APPROVED, May 6, 1796.

CHAP. XXI.—*An Act authorizing a Loan for the use of the City of Washington, in the District of Columbia, and for other purposes therein mentioned.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the commissioners, under the act, intituled "An act for establishing the temporary and permanent seat of the government of the United States," be, and they are hereby authorized, under the direction of the President of the United States, to borrow, from time to time, such sum or sums of money, as the said President shall direct, not exceeding three hundred thousand dollars in the whole, and not exceeding two hundred thousand dollars, in any one year, at an interest not exceeding six per centum per annum, and reimbursable at any time after the year one thousand eight hundred and three, by instalments, not exceeding one fifth of the whole sum borrowed, in any one year; which said loan or loans shall be appropriated and applied by the said commissioners, in carrying into effect the above recited act, under the control of the President of the United States.

SEC. 2. *And be it further enacted,* That all the lots, except those now appropriated to public use in the said city, vested in the commissioners aforesaid, or in trustees, in any manner, for the use of the United States, now holden and remaining unsold, shall be, and are hereby declared and made chargeable with the repayment of all and every sum and sums of money, and interest thereupon, which shall be borrowed in pursuance of this act: And, to the end, that the same may be fully and punctually repaid, the said lots, or so many of them as shall be necessary, shall be sold and conveyed, at such times, and in such manner, and on such terms, as the President of the United States, for the time being, shall direct: And the monies arising from the said sales, shall be applied and appropriated, under his direction, to the discharge of the said loans, after first paying the original proprietors any balances due to them, respectively, according to their several conveyances to the said commissioners or trustees. And if the product of the sales of all the said lots shall prove inadequate to the payment of the principal and interest of the sums borrowed under this act, then the deficiency shall be paid by the United States, agreeably to the terms of the said loans; for it is expressly hereby declared and provided, that the United States shall be liable only for the repayment of the balance of the monies to be borrowed under this act, which shall remain unsatisfied by the sales of all the lots aforesaid, if any such balance shall thereafter happen.

SEC. 3. *And be it further enacted,* That every purchaser or purchasers, his or their heirs or assigns, from the said commissioners or trustees, under the direction of the said President, of any of the lots herein before mentioned, after paying the price, and fulfilling the terms stipulated and agreed to be paid and fulfilled, shall have, hold and enjoy the said lot or lots so bought, free, clear and exonerated from the charge and incumbrance hereby laid upon the same.

SEC. 4. *And be it further enacted,* That the commissioners aforesaid, shall, semi-annually, render to the Secretary of the Treasury, a particular account of the receipts and expenditures of all monies intrusted to them, and also, the progress and state of the business, and of the funds under their administration; and that the said secretary lay the same before Congress, at every session after the receipt thereof.

APPROVED, May 6, 1796.

STATUTE I.

May 6, 1796.

[Obsolete.]

Commissioners of the city of Washington may, under the direction of the President, borrow certain sums.

1790, ch. 28.

1802, ch. 41.

Certain lots made chargeable with the repayment of those loans.

Those lots to be sold, and the monies applied to discharge the loans.

If the product of such sales should be insufficient, then only the United States to pay the deficiency.

Purchasers of lots to be exempt from incumbrance.

Commissioners shall render an account of receipts and expenditures, &c. semi-annually to the Secretary of the Treasury, who shall lay it before Congress.

STATUTE I.

May 6, 1796.

[Obsolete.]

CHAP. XXII.—*An Act making further provision relative to the Revenue Cutters.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from

Alteration of the compensation to the officers and mariners of the revenue cutters.

Forfeitures under the impost laws, recovered in consequence of information given by officers of the revenue cutters, how to be disposed of.

President to cause other revenue cutters to be built or purchased in lieu of such as become unfit for service.

Those which are unfit for service to be sold.

Limitation of the first section.

Act of March 2, 1799, ch. 23.

STATUTE I.

May 6, 1796.

[Obsolete.]

Consent of Congress granted to the act of Maryland for collecting a duty of one cent per ton on vessels coming into Baltimore district from a foreign voyage.

Limitation of the act.

See page 546, post.

and after the first day of May, in the present year, there be allowed, in lieu of the compensation now established, to the master of each revenue cutter, fifty dollars per month; to each first mate, thirty-five dollars per month; to each second mate, thirty dollars per month; to each third mate, twenty-five dollars per month; and to each mariner, not exceeding twenty dollars per month; to be paid by the collectors of the revenue, who shall be designated for that purpose.

SEC. 2. *And be it further enacted*, That all penalties, fines and forfeitures which may be incurred under the impost laws of the United States, and recovered in consequence of information given by any officer of a revenue cutter, shall, after deducting all proper costs and charges, be disposed of, as follows: One fourth part shall be for the use of the United States, and be paid into the treasury thereof; one fourth part, for the officers of the customs, to be distributed in the manner now provided, relative to that part of forfeitures they are now entitled to; and the remainder thereof, to the officers of such cutter, to be divided among them, in proportion to their pay.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is authorized, to cause other revenue cutters to be built or purchased, in lieu of such as are or shall, from time to time, become unfit for further service; the expense whereof, as well as all future expenses of building, purchasing or repairing revenue cutters, shall be paid out of the product of the duties on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause such revenue cutters as shall, from time to time, become unfit for service, to be sold at public auction, and the proceeds of such sales to be paid into the treasury of the United States.

SEC. 5. *And be it further enacted*, That so much of this act as fixes the compensation of the officers and men on board the said cutters, shall be, and remain in force, for the term of one year, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 6, 1796.

CHAP. XXIII.—*An Act to continue in force, for a limited time, an act intituled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be, and is hereby granted and declared, to the operation of an act of the General Assembly of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, intituled "An act to appoint a health officer, for the port of Baltimore, in Baltimore county," so far as to enable the state aforesaid to collect a duty of one cent per ton, on all vessels coming into the district of Baltimore, from a foreign voyage, for the purposes in the said act intended.

SEC. 2. *And be it further enacted*, That this act shall be in force for one year, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 6, 1796.

CHAP. XXIV.—*An Act to repeal so much of an act intituled "An act to establish the judicial courts of the United States," as directs that alternate sessions of the Circuit Court for the district of Pennsylvania shall be holden at Yorktown; and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the fifth section of the act, intituled "An act to establish the judicial courts of the United States," as directs that alternate sessions of the circuit court for the district of Pennsylvania, shall be holden at Yorktown, be, and the same is hereby repealed; and that all the sessions of the said circuit court, shall, from and after the passing of this act, be holden at the city of Philadelphia, excepting only, when at any session of the said court, the judges thereof shall direct the next session to be holden at Yorktown; which they are hereby authorized and empowered to do, whenever it shall appear to them to be necessary.

SEC. 2. *And be it further enacted,* That all such process of the said court, as may have issued before the passing of this act, and all recognizances returnable, and all suits and other proceedings that were continued to the said circuit court for the district of Pennsylvania, on the eleventh of October next, in Yorktown, shall now be returned, and held continued to the same court, on the same day, at Philadelphia. And to the end, that suitors, witnesses and all others concerned, may have notice of the alteration hereby made, the marshal of the said district of Pennsylvania is hereby required to make the same known, by proclamation, on or before the first day of August next.

APPROVED, May 12, 1796.

STATUTE I.

May 12, 1796.

Act of Sep. 20, 1789, ch. 20. Circuit court for Pennsylvania district to be holden only at Philadelphia, except when the judges direct it to be holden at Yorktown.

Returns and continuances to the 11th of next October at Yorktown changed to the same day at Philadelphia.

Notice thereof to be given by the marshal by proclamation.

STATUTE I.

May 12, 1796.

CHAP. XXV.—*An Act allowing compensation for Horses killed in battle belonging to officers of the army of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every officer in the army of the United States, whose duty requires him to be on horseback, in time of action, and whose horse shall be killed in battle, be allowed a sum not exceeding two hundred dollars, as a compensation for each horse so killed.

SEC. 2. *And be it further enacted,* That the provision contained in this act shall have retrospective operation, so far as the fourth day of March, in the year one thousand seven hundred and eighty-nine: *Provided,* That no person shall receive payment for any horse so killed, until he make satisfactory proof to the Secretary at War, that the horse, for which he claims compensation, was actually killed under such circumstances, as to entitle him to this provision, in all cases, which have heretofore taken place, within one year after the end of the present session of Congress; and in all cases which may take place hereafter, within one year after such horse shall have been killed.

SEC. 3. *And be it further enacted,* That the proof of the value of such horse shall be, by the affidavit of the quartermaster of the corps, to which the owner may belong, or of two other credible witnesses.

APPROVED, May 12, 1796.

Officers whose duty requires them to be on horseback, to be paid for horses killed in battle.

Act to be retrospective as far as fourth of March, 1789.

Proof to be made to the Secretary of War within a limited time.

How proof of the value shall be made.

STATUTE I.

May 12, 1796.

CHAP. XXVI.—*An Act declaring the consent of Congress to a certain Act of the State of Maryland, and to continue an act declaring the assent of Congress to certain Acts of the States of Maryland, Georgia and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the con-

[Expired.]

Consent of Congress to a certain act of

Maryland empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned.

Part of the act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations continued in force. 1800, ch. 15.

sent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday of November, in the year one thousand seven hundred and ninety-one, intituled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

SEC. 2. *And be it further enacted*, That the act, intituled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the states of Georgia and Rhode Island and Providence Plantations.

SEC. 3. *And be it further enacted*, That this act shall be, and continue in force for the term of three years, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 12, 1796.

STATUTE I.

May 17, 1796.

CHAP. XXVII.—*An Act authorizing the erection of a Lighthouse on Cape Cod, in the State of Massachusetts.*

A lighthouse to be erected on Cape Cod.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury, to provide, by contract, which shall be approved by the President of the United States, for building a lighthouse on Cape Cod, in the state of Massachusetts, (as soon as the necessary cession of land for the purpose shall be made by the said state to the United States;) and to furnish the same, with all necessary supplies: And also, to agree for the salaries, or wages of the person, or persons, who may be appointed by the President, for the superintendence and care of the same: And that the number or disposition of the light or lights in the said lighthouse, be such, as may tend to distinguish it from others, as far as is practicable; and that the light or lights on Gurnet head, at the entrance of Plymouth harbour, be altered or diminished, if necessary: And that eight thousand dollars be appropriated for the same, out of any monies not otherwise appropriated.

Appropriation therefor.

APPROVED, May 17, 1796.

STATUTE I.

May 18, 1796.

CHAP. XXIX.—*An Act providing for the Sale of the Lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river.* (a)

A surveyor general to be appointed; his power and duties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a Surveyor General shall be appointed, whose duty it shall be to engage a sufficient number of skilful surveyors, as his deputies; whom he shall

(a) The acts of Congress relating to the sale of the public lands northwest of the river Ohio, are: An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of the Kentucky river, May 18, 1796, chap. 29; an act for regulating grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the gospel among the heathen, June 1, 1796, chap. 46; an act to amend the act entitled "An act for regulating grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen," March 2, 1799, chap. 29; an act to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States, northwest of the river Ohio; and for giving a pre-emption to certain purchasers, March 2, 1799, chap. 34; an act in addition to an act regulating the grants of land appropriated for military services, and for the Society of United Brethren for propagating the gospel among the heathen, and for other purposes, March 1, 1800; act of May 10, 1800; an act making provision for the disposal of the public lands in the Indiana territory, and for other purposes, March 26, 1804, chap. 35; an act to authorize the Secretary at War, to issue land warrants, and for other purposes, April 15, 1806, chap. 26; an act providing for the cases of lost military land warrants and discharges for faithful services, April 27, 1816, chap. 127, &c. &c.

cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio, and above the mouth of the river Kentucky, in which the titles of the Indian tribes have been extinguished, and to divide the same in the manner herein after directed; he shall have authority to frame regulations and instructions for the government of his deputies; to administer the necessary oaths, upon their appointments; and to remove them for negligence or misconduct in office.(a)

SEC. 2. *Be it further enacted*, That the part of the said lands,

(a) The decisions of the courts of the United States, as to the principles which regulate the titles to the public lands, in the states which form part of the territory northwest of the river Ohio, have been :

A title to lands under grants by Indian titles northwest of the river Ohio, to private individuals in the years 1773 and 1775, cannot be sustained in the courts of the United States. *Lessee of Johnson et al. v. McIntosh*, 8 Wheat. 543; 5 Cond. Rep. 515.

The title to land depends entirely on the laws of the nation in which they lie. *Ibid.*

Discovery constitutes the original title to lands on the American continent, as between the different European nations. The title thus derived was the exclusive right of acquiring the soil from the natives, and establishing settlements upon it. The title was to be consummated by possession. *Ibid.*

The right of the original inhabitants, was to a considerable extent impaired, but in no instance disregarded. The Europeans respected the right of the natives as occupants, but asserted the ultimate dominion to be in themselves; and claimed and exercised as a consequence of this ultimate dominion, a power to grant the soil while yet in the possession of the natives. *Ibid.*

By the treaty between Great Britain and the United States, which concluded the revolution, the powers of government and the right of soil, which had been previously in Great Britain, passed definitely to the United States. *Ibid.*

The United States, or the several states, have a clear title to all the lands within the boundary lines described in the treaty; subject only to the Indian right of occupancy: and the exclusive power to extinguish that right, was vested in the United States, which might constitutionally exercise it. *Ibid.*

It is a principle of universal law, that if an uninhabited country be discovered by a number of individuals, who acknowledge no connection with, and own no allegiance to any government whatever, the country becomes the property of the discoverers, so far as they can use it. *Ibid.*

If the discovery be made, and possession be taken under the authority of an existing government which is acknowledged by the emigrants, the discovery is made for the whole nation; and the country becomes a part of the nation, and the vacant soil is to be disposed of by that organ of the government which has the constitutional power to dispose of the national domain. *Ibid.*

The decision of the register and receiver of a land-office, in the absence of fraud, would be conclusive as to the facts that the applicant for the land was then in possession, and of his cultivating the land during the preceding year; because these questions are directly submitted to those officers. Yet if they undertake to grant pre-emptions to land, on which the law declares they shall not be granted, then they are acting on a subject matter clearly not within their jurisdiction; as much so, as if a court whose jurisdiction was declared not to extend beyond a given sum, should attempt cognizance of a case beyond that sum. *Wilcox v. Jackson*, 13 Peters, 498.

Appropriation of land by the government, is nothing more or less than setting it apart for some peculiar use. Whenever a tract of land has been once legally appropriated to any purpose, from that moment the land thus appropriated becomes severed from the mass of public lands: and no subsequent law or proclamation, or sale, would be construed to embrace it, or to operate upon it, although no other reservation were made of it. *Ibid.*

Nothing passes a perfect title to public lands, with the exception of a few cases, but a patent. The exceptions are where Congress grants lands in words of present grant. The general rule applies as well to pre-emptions, as to other purchases of public land. *Ibid.*

A state has a perfect right to legislate as she may please, in regard to the remedies to be prosecuted in her courts, and to regulate the disposition of the property of her citizens, by descent, devise or alienation. But Congress are invested by the constitution with the power of disposing of the public land, and making needful rules and regulations concerning it. *Ibid.*

Where a patent has not been issued for a part of the public land, a state has no power to declare any title less than a patent valid against the claim of the United States to the land; or against a title held under a patent from the United States. *Ibid.*

Whenever the question in any court, state or federal, is whether the title to property which had belonged to the United States, has passed, that question must be resolved by the laws of the United States. But whenever the property has passed, according to those laws, then the property, like all other in the state, is subject to state legislation; so far as that legislation is consistent with the admission that the title passed, and was vested according to the laws of the United States. *Ibid.*

Congress has the sole power to declare the dignity and effect of titles emanating from the United States; and the whole legislation of the government, in reference to public lands, declares the patent to be the superior and conclusive evidence of legal title. Until it issues, the fee is in the government, which by the patent passes to the grantee, and he is entitled to recover the possession by ejectment. *Bagnell v. Broderick*, 13 Peters, 436.

Where the title to the public land has passed out of the United States by conflicting patents, there can be no objection to the practice adopted by the courts of a state, to give effect to the better right in any form of remedy the legislature or courts of the state may prescribe.

No doubt is entertained, of the power of the states to pass laws authorizing purchasers of lands from the United States, to prosecute actions of ejectment upon certificates of purchase against trespassers on the lands purchased; but it is denied that the states have any power to declare certificates of purchase, of equal dignity with a patent. Congress alone can give them such effect. *Ibid.*

The lands how
to be surveyed,
laid out, &c.

which has not been already conveyed by letters patent, or divided, in pursuance of an ordinance in Congress, passed on the twentieth of May, one thousand seven hundred and eighty-five, or which has not been heretofore, and during the present session of Congress may not be appropriated for satisfying military land bounties, and for other purposes, shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of the late Indian purchase, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers may render it impracticable; and then this rule shall be departed from no further than such particular circumstances may require. The corners of the townships shall be marked with progressive numbers from the beginning; each distance of a mile between the said corners shall be also distinctly marked with marks different from those of the corners. One half of the said townships, taking them alternately, shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines, at the end of every two miles; and by marking a corner, on each of the said lines, at the end of every mile; the sections shall be numbered respectively, beginning with the number one, in the north-east section, and proceeding west and east alternately, through the township with progressive numbers, till the thirty-sixth be completed. And it shall be the duty of the deputy surveyors, respectively, to cause to be marked, on a tree near each corner made, as aforesaid, and within the section, the number of such section, and over it, the number of the township, within which such section may be; and the said deputies shall carefully note, in their respective field-books, the names of the corner trees marked, and the numbers so made: The fractional parts of townships shall be divided into sections, in manner aforesaid, and the fractions of sections shall be annexed to, and sold with, the adjacent entire sections. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen feet and one half each, subdivided into twenty-five equal links, and the chain shall be adjusted to a standard to be kept for that purpose. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs and mill seats, which shall come to his knowledge; all water courses, over which the line he runs shall pass; and also the quality of the lands. These field-books shall be returned to the Surveyor General, who shall therefrom cause a description of the whole lands surveyed, to be made out and transmitted to the officers who may superintend the sales: He shall also cause a fair plat to be made of the townships, and fractional parts of townships, contained in the said lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; a copy thereof shall be kept open at the Surveyor General's office, for public information; and other copies sent to the places of the sale, and to the Secretary of the Treasury.

Plat of town-
ships and frac-
tional parts to
be made.

Reservations
for the future
disposal of the
United States.

SEC. 3. *Be it further enacted*, That a salt spring lying upon a creek which empties into the Sciota river, on the east side, together with as many contiguous sections as shall be equal to one township, and every other salt spring which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre of every township, containing each one mile square, shall be reserved, for the future disposal of the United States; but there shall be no reservations, except for salt springs, in fractional townships, where the fraction is less than three fourths of a township.

SEC. 4. *Be it further enacted*, That whenever seven ranges of townships shall have been surveyed below the Great Miami, or between the Sciota river and the Ohio company's purchase, or between the southern boundary of the Connecticut claims and the ranges already laid off

Sections of 640
acres (except
reservations) to
be sold at ven-

beginning upon the Ohio river and extending westwardly, and the plats thereof made and transmitted, in conformity to the provisions of this act, the said sections of six hundred and forty acres (excluding those hereby reserved) shall be offered for sale, at public vendue, under the direction of the governor or secretary of the western territory, and the Surveyor General: such of them as lie below the Great Miami shall be sold at Cincinnati; those of them which lie between the Sciota and the Ohio company's purchase, at Pittsburg; and those between the Connecticut claim and the seven ranges, at Pittsburg. And the townships remaining undivided shall be offered for sale, in the same manner, at the seat of government of the United States, under the direction of the Secretary of the Treasury, in tracts of one quarter of a township lying at the corners thereof, excluding the four central sections, and the other reservations before mentioned: *Provided always*, that no part of the lands directed by this act to be offered for sale, shall be sold for less than two dollars per acre.

SEC. 5. *Be it further enacted*, That the Secretary of the Treasury, after receiving the aforesaid plats, shall forthwith give notice, in one newspaper in each of the United States, and of the territories northwest and south of the river Ohio, of the times of sale; which shall, in no case, be less than two months from the date of the notice; and the sales at the different places shall not commence, within less than one month of each other: And when the governor of the western territory, or Secretary of the Treasury, shall find it necessary to adjourn, or suspend the sales under their direction, respectively, for more than three days, at any one time, notice shall be given in the public newspapers, of such suspension, and at what time the sales will re-commence.

SEC. 6. *Be it further enacted*, That immediately after the passing of this act, the Secretary of the Treasury shall, in the manner herein before directed, advertise for sale, the lands remaining unsold in the seven ranges of townships, which were surveyed, in pursuance of an ordinance of Congress, passed the twentieth of May, one thousand seven hundred and eighty-five, including the lands drawn for the army, by the late Secretary of War, and also those heretofore sold, but not paid for; the townships which by the said ordinance, are directed to be sold entire, shall be offered for sale, at public vendue in Philadelphia, under the direction of the Secretary of the Treasury, in quarter townships, reserving the four centre sections, according to the directions of this act. The townships, which, by the said ordinance, are directed to be sold in sections, shall be offered for sale at public vendue, in Pittsburg, under the direction of the governor or secretary of the western territory, and such person as the President may specially appoint for that purpose, by sections of one mile square each, reserving the four centre sections, as aforesaid; and all fractional townships shall also be sold in sections, at Pittsburg, in the manner, and under the regulations provided by this act, for the sale of fractional townships: *Provided always*, That nothing in this act shall authorize the sale of those lots, which have been heretofore reserved in the townships already sold.

SEC. 7. *Be it further enacted*, That the highest bidder for any tract of land, sold by virtue of this act, shall deposit, at the time of sale, one twentieth part of the amount of the purchase money; to be forfeited, if a moiety of the sum bid, including the said twentieth part, is not paid within thirty days, to the treasurer of the United States, or to such person as shall be appointed by the President of the United States, to attend the places of sale for that purpose; and upon payment of a moiety of the purchase money, within thirty days, the purchaser shall have one year's credit for the residue; and shall receive from the Secretary of the Treasury, or the governor of the western territory, (as the case may be) a certificate describing the land sold, the sum paid on account, the balance

due, by the Governor or Secretary of the western territory, and the Surveyor General.

Undivided townships to be sold in like manner by the Secretary of the Treasury.

No part of the lands to be sold for less than two dollars per acre.

Secretary of Treasury to give notice of the times of sale, &c.

Certain other lands to be sold.

Mode of payment and of obtaining a patent, &c.

Mode of payment, and of obtaining a patent, &c.

1812, ch. 68,
sec. 8.
1836, ch. 352,
sec. 6.

Entries to be made of the date of sales &c.

Governor or Secretary to transmit copies at certain times.

Tracts sold to be noted on the general plat.

Navigable rivers to be public highways.

Streams not navigable, to be common property.

Compensation of Surveyor Gen.

President to fix compensation of assistant surveyors.

Expense not to exceed three dollars for every mile surveyed.

Regulation of fees to be paid.

Oath to be taken by the Surveyor General, &c.

The person to be appointed to receive the mo-

remaining due, the time when such balance becomes payable; and that the whole land sold will be forfeited, if the said balance is not then paid; but that if it shall be duly discharged, the purchaser, or his assignee, or other legal representative, shall be entitled to a patent for the said lands: And on payment of the said balance to the treasurer, within the specified time, and producing to the Secretary of State a receipt for the same, upon the aforesaid certificate, the President of the United States is hereby authorized to grant a patent for the lands to the said purchaser, his heirs or assigns: And all patents shall be countersigned by the Secretary of State, and recorded in his office. But if there should be a failure in any payment, the sale shall be void, all the money theretofore paid on account of the purchase shall be forfeited to the United States, and the lands thus sold shall be again disposed of, in the same manner as if a sale had never been made: *Provided nevertheless*, that should any purchaser make payment of the whole purchase money, at the time when the payment of the first moiety is directed to be made, he shall be entitled to a deduction of ten per centum on the part, for which a credit is hereby directed to be given; and his patent shall be immediately issued.

SEC. 8. *Be it further enacted*, That the Secretary of the Treasury, and the governor of the territory north west of the river Ohio, shall respectively, cause books to be kept, in which shall be regularly entered, an account of the dates of all the sales made, the situation and numbers of the lots sold, the price at which each was struck off, the money deposited at the time of sale, and the dates of the certificates granted to the different purchasers. The governor, or secretary of the said territory shall, at every suspension or adjournment, for more than three days, of the sales under their direction, transmit to the Secretary of the Treasury, a copy of the said books, certified to have been duly examined and compared with the original. And all tracts sold under this act, shall be noted upon the general plat, after the certificate has been granted to the purchaser.

SEC. 9. *And be it further enacted*, That all navigable rivers, within the territory to be disposed of by virtue of this act, shall be deemed to be, and remain public highways: And that in all cases, where the opposite banks of any stream, not navigable, shall belong to different persons, the stream and the bed thereof shall become common to both.

SEC. 10. *And be it further enacted*, That the surveyor general shall receive for his compensation, two thousand dollars per annum; and that the President of the United States may fix the compensation of the assistant surveyors, chain carriers and axe men: *Provided*, that the whole expense of surveying and marking the lines, shall not exceed three dollars per mile, for every mile that shall be actually run or surveyed.

SEC. 11. *And be it further enacted*, That the following fees shall be paid for the services to be done under this act, to the treasurer of the United States, or to the receiver in the western territory, as the case may be; for each certificate for a tract containing a quarter of a township, twenty dollars; for a certificate for a tract containing six hundred and forty acres, six dollars; and for each patent for a quarter of a township, twenty dollars; for a section of six hundred and forty acres, six dollars: And the said fees shall be accounted for by the receivers, respectively.

SEC. 12. *And be it further enacted*, That the surveyor general, assistant surveyors, and chain carriers, shall, before they enter on the several duties to be performed under this act, severally take an oath or affirmation, faithfully to perform the same; and the person, to be appointed to receive the money on sales in the western territory, before he shall receive any money under this act, shall give bond with sufficient security,

for the faithful discharge of his trust : That, for receiving, safe keeping, and conveying to the treasury the money he may receive, he shall be entitled to a compensation to be hereafter fixed.

APPROVED, May 18, 1796.

ney in the western territory to give bond, &c.

STATUTE I.

CHAP. XXX.—*An Act to regulate Trade and Intercourse with the Indian Tribes, and to preserve Peace on the Frontiers.*(a)

May 19, 1796.

[Expired.]

Act of March 30, 1802, Act of March 3, 1799.

A boundary line between the United States and various Indian tribes to be ascertained and marked.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following boundary line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained, and distinctly marked, in all such places, as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit : Beginning at the mouth of Cayahoga river on Lake Erie, and running thence up the same, to the portage between that and the Tuscaroras branch of the Muskingum; thence down that branch, to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the Great Miami river, running into the Ohio, at, or near which fork, stood Laramie's store, and where commences the portage, between the Miami of the Ohio, and Saint Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; thence southwesterly, in a direct line to the Ohio, so as to intersect that river, opposite the mouth of Kentucky or Cuttawba river; thence down the said river Ohio, to the tract of one hundred and fifty thousand acres, near the rapids of the Ohio, which has been assigned to General Clark, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same, to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers; thence easterly on the said ridge, to a point, from whence, a southwest line will strike the mouth of Duck river; thence still easterly on the said ridge, to a point forty miles above Nashville; thence northeast, to Cumberland river; thence up the said river, to where the Kentucky road crosses the same; thence to the top of Cumberland mountain; thence along Campbell's line, to the river Clinch; thence down the said river, to a point from which a line shall pass the Holsten, at the ridge, which divides the waters running into Little River, from those running into the Tennessee; thence south, to the North Carolina boundary; thence along the South Carolina Indian boundary, to and over the Oconna mountain, in a southwest course, to Tugelo river; thence in a direct line, to the top of the Currahee mountain, where the Creek line passes it; thence to the head or source of the main south branch of the Oconee river, called the Appalachee; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line to the river Saint Mary's; *Provided always,* that if the boundary line between the said Indian tribes and the United States, shall, at any time hereafter, be varied, by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act, shall be construed to apply to the said line so to be varied, in the same manner, as the said provisions now apply to the boundary line herein before recited.

Provision for alterations which may be made by treaty.

(a) The act of March 30, 1802, having described what should be the Indian country at that time, as well as at any future time, when purchases of territory should be made of the Indians, the carrying of spirituous liquors into a territory so purchased after March, 1802, although the same should be frequented and inhabited exclusively by Indians, would not be an offence within the meaning of the act of Congress, so as to subject the goods of the trader, found in company with those liquors, to seizure and forfeiture. *American Fur Company v. The United States*, 2 Peters, 358.

Penalty on passing the boundary to hunt, &c.

SEC. 2. *And be it further enacted*, That if any citizen of, or other person resident in the United States, or either of the territorial districts of the United States, shall cross over, or go within the said boundary line, to hunt, or in any wise destroy the game; or shall drive, or otherwise convey any stock of horses or cattle to range, on any lands allotted or secured by treaty with the United States, to any Indian tribes, he shall forfeit a sum not exceeding one hundred dollars, or be imprisoned not exceeding six months.

Penalty on going into the country of the Indians south of the Ohio without a passport.

SEC. 3. *And be it further enacted*, That if any such citizen, or other person, shall go into any country, which is allotted, or secured by treaty as aforesaid to any of the Indian tribes south of the river Ohio, without a passport first had and obtained from the governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest post on the frontiers, or such other person, as the President of the United States may, from time to time, authorize to grant the same, shall forfeit a sum not exceeding fifty dollars, or be imprisoned, not exceeding three months.

Penalty on committing certain offences against the Indians.

SEC. 4. *And be it further enacted*, That if any such citizen or other person, shall go into any town, settlement or territory, belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which would be punishable, if committed within the jurisdiction of any state, against a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed: And if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value, shall be paid out of the treasury of the United States: *Provided nevertheless*, that no such Indian shall be entitled to any payment out of the treasury of the United States, for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence.

U. States to pay in certain cases.

Penalty on settling on, &c. the Indian lands.

SEC. 5. *And be it further enacted*, That if any such citizen, or other person, shall make a settlement on any lands belonging, or secured, or granted by treaty with the United States, to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit all his right, title and claim, if any he hath, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, whereupon he shall make a settlement, or which he shall survey, or attempt to survey, or designate any of the boundaries thereof, by marking trees or otherwise, and shall also forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States, to take such measures and to employ such military force, as he may judge necessary, to remove from lands belonging, or secured by treaty, as aforesaid, to any Indian tribe, any such citizen or other person, who has made or shall hereafter make, or attempt to make a settlement thereon: And every right, title, or claim forfeited under this act, shall be taken and deemed to be vested in the United States, upon conviction of the offender, without any other or further proceeding.

President may cause settlers to remove.

Penalty on committing murder upon an Indian.

SEC. 6. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit murder, by killing any

Indian or Indians, belonging to any nation or tribe of Indians in amity with the United States, such offender, on being thereof convicted, shall suffer death.

SEC. 7. *And be it further enacted*, That no such citizen, or other person, shall be permitted to reside at any of the towns, or hunting-camps, of any of the Indian tribes as a trader, without a license under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose: which superintendent, or person authorized, shall, on application, issue such license, for a term not exceeding two years, who shall enter into bond, with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, conditioned for the true and faithful observance of such regulations and restrictions, as are, or shall be made for the government of trade and intercourse with the Indian tribes: and the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes; and shall put in suit, such bonds as he may have taken, on the breach of any condition therein contained.

Traders to
have licenses.

SEC. 8. *And be it further enacted*, That any such citizen or other person, who shall attempt to reside in any town, or hunting camp, of any of the Indian tribes, as a trader without such license, shall forfeit all the merchandise offered for sale, to the Indians, or found in his possession, and shall, moreover, be liable to a fine not exceeding one hundred dollars, and to imprisonment not exceeding thirty days.

Penalty on
trading without
license.

SEC. 9. *And be it further enacted*, That if any such citizen, or other person, shall purchase, or receive of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians, in their intercourse with white people, or any article of clothing, excepting skins or furs, he shall forfeit a sum not exceeding fifty dollars, and be imprisoned not exceeding thirty days.

Penalty on pur-
chasing or re-
ceiving certain
things from In-
dians.

SEC. 10. *And be it further enacted*, That no such citizen or other person, shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions and restrictions, as other licenses are to be granted under this act: and any such person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid; describing such horses, by their colour, height, and other natural or artificial marks, under the penalty contained in their respective bonds. And every such person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased, and brought into any settlement of citizens of the United States, forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding thirty days. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons, not licensed, as above, to purchase the same, shall forfeit the value of such horse.

No person to
purchase a
horse in the In-
dian country
without special
license.

Return to be
made thereof.

Penalty.

SEC. 11. *And be it further enacted*, That no agent, superintendent, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse, to or from any Indian, excepting

Person author-
ized to grant a
license not to
trade or pur-
chase horses on
private account.

for, and on account of the United States. And any person offending herein, shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

Purchases of
Indian lands to
be sold only by
treaty.

Penalty on
treating without
authority.

SEC. 12. *And be it further enacted*, That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by treaty, or convention, entered into pursuant to the constitution: and it shall be a misdemeanor in any person, not employed under the authority of the United States, to negotiate such treaty or convention directly or indirectly, to treat with any such Indian nation, or tribe of Indians, for the title or purchase of any lands by them held, or claimed, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months: *Provided nevertheless*, that it shall be lawful for the agent or agents of any state, who may be present at any treaty held with Indians, under the authority of the United States, in the presence, and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made, for their claims to lands within such state, which shall be extinguished by the treaty.

Presents to the
Indians—agents
to reside among
them.

SEC. 13. *And be it further enacted*, That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the United States, to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Provided*, that the whole amount of such presents, and allowance to such agents, shall not exceed fifteen thousand dollars per annum.

Proceedings on
offences com-
mitted by In-
dians.

SEC. 14. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line, into any state or territory inhabited by citizens of the United States, and there take, steal or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence or outrage, upon any such citizen, or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent, or other person authorized, as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction for the injury: And, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured, an eventual indemnification: *Provided always*, that if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States, for such indemnification: *And provided also*, that nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any state

or district, of any Indian having so offended: *And provided further*, that it shall be lawful for the President of the United States, to deduct such sum or sums, as shall be paid for the property taken, stolen or destroyed by any such Indian, out of the annual stipend, which the United States are bound to pay to the tribe, to which such Indian shall belong.

SEC. 15. *And be it further enacted*, That the superior courts in each of the said territorial districts, and the circuit courts, and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be apprehended, or, agreeably to the provisions of this act, shall be brought for trial, shall have, and are hereby invested with, full power and authority, to hear and determine all crimes, offences and misdemeanors, against this act; such courts proceeding therein, in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts: And in all cases, where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States in their respective districts, shall have, and are hereby invested with like power to hear and determine the same, any law to the contrary notwithstanding: And in all cases, where the punishment shall be death, it shall be lawful for the governor of either of the territorial districts, where the offender shall be apprehended, or into which he shall be brought for trial, to issue a commission of oyer and terminer, to the superior judges of such district, who shall have full power and authority to hear and determine all such capital cases, in the same manner, as the superior courts of such district have in their ordinary sessions: And when the offender shall be apprehended, or brought for trial, into any of the United States, except Kentucky, it shall be lawful for the President of the United States, to issue a like commission to any one or more judges of the supreme court of the United States, and the judge of the district, in which such offender may have been apprehended, or shall have been brought for trial; which judges, or any two of them, shall have the same jurisdiction in such capital cases, as the circuit court of such district, and shall proceed to trial and judgment, in the same manner, as such circuit court might or could do. And the district courts of Kentucky and Maine shall have jurisdiction of all crimes, offences and misdemeanors committed against this act, and shall proceed to trial and judgment, in the same manner, as the circuit courts of the United States.

Jurisdiction of the courts herein.

Commissions of oyer and terminer may be issued.

SEC. 16. *And be it further enacted*, That it shall be lawful for the military force of the United States, to apprehend every person, who shall, or may be found in the Indian country, over and beyond the said boundary line, between the United States and the said Indian tribes, in violation of any of the provisions or regulations of this act, and him or them immediately to convey, in the nearest convenient and safe route, to the civil authority of the United States, in some one of the three next adjoining states or districts, to be proceeded against, in due course of law: *Provided*, that no person, apprehended by military force, as aforesaid, shall be detained longer than ten days, after the arrest, and before removal.

Military may apprehend offenders.

SEC. 17. *And be it further enacted*, That if any person, who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territorial districts of the United States, such offender may be there apprehended and brought to trial, in the same manner, as if such crime or offence had been committed within such state or district; and it shall be the duty of the military force of the United States, when called upon by the civil magistrate, or any proper officer, or other person duly

Trial may be had where the offender is found.

Military to aid the civil officers.

Amount of fines and duration of imprisonment discretionary, &c.

To whose use the forfeitures shall be.

Certain trade and intercourse excepted.

Certain roads excepted.

The President may cause to be ascertained other boundary lines.

Other acts repealed.

Proviso.

Limitation of this act.

authorized for that purpose, and having a lawful warrant, to aid and assist such magistrate, officer, or other person authorized, as aforesaid, in arresting such offender, and him committing to safe custody, for trial according to law.

SEC. 18. *And be it further enacted*, That the amount of fines, and duration of imprisonment, directed by this act as a punishment, for the violation of any of the provisions thereof, shall be ascertained and fixed, not exceeding the limits prescribed, in the discretion of the court, before whom the trial shall be had; and that all fines and forfeitures, which shall accrue under this act, shall be, one half to the use of the informant, and the other half to the use of the United States: Except where the prosecution shall be first instituted on behalf of the United States; in which case, the whole shall be to their use.

SEC. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary jurisdiction of any of the individual states; or the unmolested use of a road from Washington district, to Mero district; and of the navigation of the Tennessee river, as reserved and secured by treaty.

SEC. 20. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, to cause to be clearly ascertained, and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the United States and any Indian tribe, which now are, or hereafter may be established by treaty.

SEC. 21. *And be it further enacted*, That all and every other act and acts, coming within the purview of this act, shall be, and they are hereby repealed: *Provided, nevertheless*, that all disabilities, that have taken place, shall continue and remain; all penalties and forfeitures, that have been incurred, may be recovered; and all prosecutions and suits, that may have been commenced, may be prosecuted to final judgment, under the said act or acts, in the same manner, as if the said act or acts were continued, and in full force and virtue.

SEC. 22. *And be it further enacted*, That this act shall be in force, for the term of two years, and from thence to the end of the session of Congress next thereafter, and no longer.

APPROVED, May 19, 1796.

STATUTE I.

May 27, 1796.

Repealed by the 8th sec. of the Act of Feb. 25, 1799, ch. 12.

CHAP. XXXI.—*An Act relative to Quarantine.*(a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized, to direct the revenue officers and the officers commanding forts and revenue cutters, to aid in the execution of quarantine, and also in the execution of the health laws of the states, respectively, in such manner as may to him appear necessary.

APPROVED, May 27, 1796.

STATUTE I.

May 27, 1796.

[Obsolete.] Compensation to the Accountant of the War Department.

CHAP. XXXII.—*An Act altering the Compensation of the Accountant of the War Department.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall hereafter be allowed to the Accountant of the Department of War, the sum of one thousand six hundred dollars per annum, as a com-

(a) See an act respecting quarantine and health laws, passed February 25, 1799, chap. 12.

pensation for his services, in lieu of the compensation heretofore allowed.

SEC. 2. *And be it further enacted*, That all letters and packets to or from the Accountant of the department of War, shall be conveyed by post, free of postage, under such restrictions as are provided by law, in like cases.

Privilege of franking.

APPROVED, May 27, 1796.

CHAP. XXXIII.—*An Act respecting the Mint.*

STATUTE I.

May 27, 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be appropriated for the purchase of copper for the further coinage of cents and half cents, a sum equal to the amount of the cents and half cents which shall have been coined at the mint, and delivered to the treasurer of the United States, subsequent to the first day of January, one thousand seven hundred and ninety-six, which sum shall be payable out of any monies in the treasury not otherwise appropriated.

[Expired.]
Act of Jan. 14, 1793, ch. 2.
Act of April 24, 1800, ch. 34.
Appropriation for the purchase of copper.

SEC. 2. *And be it further enacted*, That from and after the passing of this act, there shall be retained from every deposit in the mint, of gold or silver bullion below the standard of the United States, such sum as shall be equivalent to the expense incurred in refining the same, and an accurate account of such expense on every deposit shall be kept, and of the sums retained on account of the same, which shall be accounted for by the treasurer of the mint, to the treasurer of the United States.

Part of gold and silver bullion to be retained.

SEC. 3. *And be it further enacted*, That this act shall continue in force for the term of two years from the passing thereof, and from thence until the end of the next session of Congress thereafter holden, and no longer.

Limitation.

APPROVED, May 27, 1796.

STATUTE I.

May 27, 1796.

CHAP. XXXIV.—*An Act altering the Sessions of the Circuit Courts in the Districts of Vermont and Rhode Island; and for other purposes.*

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of June next, the circuit court, for the district of Vermont, shall be held at Rutland and Windsor, alternately, beginning with the former, on the seventh day of November, and on the twelfth day of May, annually: *Provided*, when either of those days shall be Sunday, the court shall be held on the day following.

Time and place of holding the district court of Vermont.

1802, ch. 31.

SEC. 2. *And be it further enacted*, That the fall session of the circuit court, for the district of Rhode Island, shall be held on the nineteenth day of November, with the exception for Sunday, as is provided in the preceding section.

Fall session of the circuit court of Rhode Island.

SEC. 3. *And be it further enacted*, That the district court for the district last aforesaid, instead of the several days heretofore prescribed, shall be held annually, on the first Tuesday of August, the third Tuesday of November, the first Tuesday of February, and the second Tuesday of May.

Times of holding the district court of Rhode Island.

1804, ch. 31.

SEC. 4. *And be it further enacted*, That all writs and processes, of whatever name or description, which may have issued from either of the courts before mentioned, or which shall hereafter issue, the return of which will be interrupted by this act, shall be returned to the terms of the courts, respectively, next succeeding the terms, to which they were made returnable: And the said writs and processes before mentioned, together with all matters and business depending before either of the courts before mentioned, shall be taken up and proceeded upon to final issue and determination, in the same manner, and to the same effect, as

Returns of writs and processes, &c.

if no alteration had been made in the times or places of holding the said courts respectively.

APPROVED, May 27, 1796.

STATUTE I.

May 27, 1796.

[Obsolete.]

Certain new districts and ports of delivery established.

1799, ch. 22.
Ante, p. 420.

CHAP. XXXV.—*An Act in addition to an act intituled "An act supplementary to the act, intituled An act to provide more effectually for the Collection of the Duties on Goods, Wares and Merchandise imported into the United States, and on the Tonnage of Ships or Vessels."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the last day of June next, there shall be established, the following new districts and ports of delivery, to wit: In the state of Massachusetts, a district to be called the district of Ipswich; which shall include the waters and shores within the said town of Ipswich, which shall be the sole port of entry of the same: And a collector shall be appointed, to reside in the said town of Ipswich; and thenceforward, the office of surveyor for the said port shall cease. In the state of New Jersey, a district, to be called the district of Little Egg Harbor, which shall comprehend all the shores, waters, bays, rivers and creeks from Barnegat inlet to Brigantine inlet, both inclusively; and the town of Tuckerton shall be the sole port of entry for the said district: And a collector for the same shall be appointed, to reside at the said town of Tuckerton; and thenceforward, the office of surveyor for the port of Little Egg Harbor shall cease. In the state of Maryland, a district, to be called the district of Havre-de-Grace; which shall include all the shores and waters of the Chesapeake bay, above Turkey point and Spes Utiae island: And a collector shall be appointed, to reside at Havre-de-Grace, which shall be the sole port of entry for the same. In the district of Newburyport, the town of Newbury shall be a port of delivery: In the district of Dighton, the towns of Berkley and Taunton shall be ports of delivery.

Alteration of certain districts.

Ante, p. 420.

Proviso.

Collectors to be appointed under this act to give security, &c.

SEC. 2. *And be it further enacted,* That from and after the last day of June next, the district of Hudson, in the state of New York, shall be confined to the limits of the city of Hudson; and all other places, which were, by the act, intituled "An act supplementary to the act, intituled An act to provide more effectually for the collection of the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," included in the said district of Hudson, shall be annexed to the district of New York. And the description of the district of Waldoborough, in the said recited act, shall be so far altered, as, instead of saying, "A place called Duck-trap," to say, "that part of a place called Duck-trap, which lies between the towns of Camden and Northport;" and, instead of saying, "All the shores and waters from the middle of Damarascotty river to Duck trap," to say, "all the shores and waters from the middle of Damarascotty river, to the southwardly side of the town of Northport." That, in the state of Maryland, the district of Cedar-point shall be called the district of Nanjemoy; which shall be the sole port of entry and delivery for the said district; and the collector shall reside at Nanjemoy. And that in the district of Nantucket, in the state of Massachusetts, the name of the port of Sherburne shall be changed to the port of Nantucket. *Provided always,* that no alteration in the name or description of the said districts shall be construed to affect the compensation of the officers thereof.

SEC. 3. *And be it further enacted,* That the collectors to be appointed in conformity with this act, shall each become bound in the sum of two thousand dollars, in manner, as is by law provided in like cases: And the same duties, authorities and fees of office, with a similar distribution thereof, shall appertain to those appointments as are now in like cases

authorized by law. And the collectors aforesaid shall each receive two per centum on all monies by them respectively received; and shall also, respectively, receive the allowance of one hundred dollars, annually, from and after the said last day of June next.

APPROVED, May 27, 1796.

STATUTE I.

May 28, 1796.

CHAP. XXXVI.—*An Act for the relief and protection of American Seamen.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States, by and with the advice and consent of the Senate, be, and hereby is authorized to appoint two or more agents; the one of whom shall reside in the kingdom of Great Britain, and the others at such foreign ports, as the President of the United States shall direct. That the duty of the said agents shall be, under the direction of the President of the United States, to inquire into the situation of such American citizens or others, sailing, conformably to the law of nations, under the protection of the American flag, as have been, or may hereafter be impressed or detained by any foreign power, to endeavour, by all legal means, to obtain the release of such American citizens or others, as aforesaid; and to render an account of all impressments and detentions whatever, from American vessels, to the executive of the United States.

Act of March 2, 1799, ch. 36.
Two agents to be appointed.

Their duties.

SEC. 2. *And be it further enacted,* That if it should be expedient to employ an additional agent or agents, for the purposes authorized by this law, during the recess of the Senate, the President alone be, and hereby is, authorized to appoint such agent or agents.

Additional agents may be appointed during the recess of the Senate.
Appropriation.

SEC. 3. *And be it further enacted,* That the President of the United States be, and he is hereby authorized to draw, annually, out of the treasury of the United States, a sum not exceeding fifteen thousand dollars, not otherwise appropriated, to be applied by him in such proportions as he shall direct, to the payment of the compensation of the said agents, for their services, and the incidental expenses attending the performance of the duties imposed on them by this act.

SEC. 4. *And be it further enacted,* That the collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B., collector of the district of D., do hereby certify, That E. F., an American seaman, aged years, or thereabouts, of the height of feet inches, [describing the said seaman as particularly as may be] has, this day, produced to me proof in the manner directed in the act, intituled "An act for the relief and protection of American seamen;" and, pursuant to the said act, I do hereby certify, that the said E. F. is a citizen of the United States of America: In witness whereof, I have hereunto set my hand and seal of office, this day of ."

And it shall be the duty of the collectors aforesaid, to file and preserve the proofs of citizenship produced, as aforesaid: And for each certificate delivered, as aforesaid, the said collectors shall be entitled to receive from the seaman applying for the same, the sum of twenty-five cents.

Collectors to grant certificates of citizenship.

SEC. 5. And, in order that full and speedy information may be obtained of the seizure or detention, by any foreign power, of any seamen employed on board any ship or vessel of the United States, *Be it further enacted,* That it shall, and hereby is declared to be the duty of the master of every ship or vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, at

In case of the impressment or detention of seamen, master of the ship to make a protest, &c.

Master to make a protest in case of impressment of seamen.

the first port at which such ship or vessel shall arrive, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately to make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also, whether he was an American citizen; and if not, to what nation he belonged. And it shall be the duty of such master, to transmit by post, or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent immediately after his arrival within the United States, to the Secretary of State, together with information to whom the original protest was transmitted: And in case such protest shall be made within the United States, or in any foreign country, in which no consul, agent or minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

Secretary of State, and Secretary of the Treasury, to transmit this act.

Master of ship to make oath before admission to an entry.

Penalty on masters of ships violating this act.

Collectors to send a list, &c. to the Secretary of State every three months.

Limitation of parts of the act.

SEC. 6. *And be it further enacted*, That a copy of this law be transmitted by the Secretary of State, to each of the ministers and consuls of the United States, resident in foreign countries, and by the Secretary of the Treasury, to the several collectors of the districts of the United States, whose duty it is hereby declared to be, from time to time, to make known the provisions of this law, to all masters of ships and vessels of the United States entering, or clearing at their several offices. And the master of every such ship or vessel shall, before he is admitted to an entry, by any such collector, be required to declare on oath, whether any of the crew of the ship or vessel under his command have been impressed or detained, in the course of his voyage, and how far he has complied with the directions of this act: and every such master as shall wilfully neglect or refuse to make the declarations herein required, or to perform the duties enjoined by this act, shall forfeit and pay the sum of one hundred dollars. And it is hereby declared to be the duty of every such collector to prosecute for any forfeiture that may be incurred under this act.

SEC. 7. *And be it further enacted*, That the collector of every port of entry in the United States shall send a list of the seamen registered under this act, once every three months, to the Secretary of State, together with an account of such impressments or detentions, as shall appear, by the protests of the masters, to have taken place.

SEC. 8. *And be it further enacted*, That the first, second and third sections of this act shall be in force for one year, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 28, 1796.

STATUTE I.

May 28, 1796.

[Repealed.]

Act of June 5, 1794, ch. 45.
Act of July 24, 1813, ch. 24.
Act of Dec. 15, 1814, ch. 12.

Former duties to cease, and others laid in lieu of them.

CHAP. XXXVII.—*An Act laying duties on Carriages for the conveyance of persons; and repealing the former act for that purpose.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the last day of August next, the duties laid by the act, intituled "An act laying duties upon carriages for the conveyance of persons," shall cease, and shall not thenceforth be collected; but in lieu thereof, there shall be levied, collected and paid, the following yearly rates and duties upon all carriages for the conveyance of persons, which shall be kept by, or for any person, for his or her own use, or to be let out for hire, or for the conveyance of passengers, to wit: For and upon every coach, whether driven with a box, or by postilion, the yearly sum of fifteen dollars: For and upon every chariot, post-chariot and post-chaise, the yearly sum of twelve dollars: For and upon every phaeton for the

conveyance of one or more persons, with or without a top; and for and upon every coachee, or other carriage, having pannel-work, with blinds, glasses or curtains in the upper division of the sides, front or back thereof, the yearly sum of nine dollars: For and upon every four wheel carriage, having framed posts and tops, and hanging on steel springs, (whether drawn by one or more horses) the yearly sum of six dollars: For and upon every four wheel top-carriage, hanging upon wooden or iron springs or jacks, (whether drawn by one or more horses;) and upon every curricule, chaise, chair, sulkey, or other two wheel top-carriage, and upon every two wheel carriage, hanging or resting upon steel or iron springs, the yearly sum of three dollars; and for and upon every other two wheel carriage, the yearly sum of two dollars: And upon every four wheel carriage, having framed posts and tops, and resting upon wooden spars, the yearly sum of two dollars: *Provided always*, that nothing herein contained shall be construed to charge with a duty, any carriage usually and chiefly employed in husbandry, or for the transportation or carrying of goods, wares, merchandise, produce or commodities.

SEC. 2. *And be it further enacted*, That the duties aforesaid shall be levied and collected upon all carriages usually and chiefly employed for the conveyance of persons, by whatever name or description the same have been, or shall hereafter be known and called. And in cases of doubt, any carriage shall be deemed to belong to that class, to which the same shall bear the greatest resemblance (to be determined in manner herein after provided) and shall be subject to duty accordingly.

All carriages for the conveyance of persons to be taxed. Carriages of doubtful class.

SEC. 3. *And be it further enacted*, That the duties aforesaid shall be levied, collected, received and accounted for, by and under the immediate direction of the supervisors and inspectors of the revenue, and other officers of inspection; subject to the superintendence, control and direction of the department of the treasury, according to the authorities and duties of the respective officers thereof.

These duties how to be collected, &c.

SEC. 4. *And be it further enacted*, That every person having or keeping a carriage or carriages, upon which a duty or duties shall be payable, according to this act, shall, yearly and in every year, in the month of September, or within sixty days previous thereto, make and subscribe a true and exact entry of each and every such carriage; therein specifying, distinctly, each carriage owned or kept by him or her, for his or her use, or for hire, with the description and denomination thereof, and the rate of duty to which each and every such carriage is liable; which entry shall be lodged with the officer of inspection for the district, in which such owner or person liable for the payment of such duty shall reside: and that it shall be the duty of the officers of inspection, to attend, within the month of September in each year, at one or more of the most public and convenient places, in each county within their respective districts, and to give public notice, at least one month previous to such day, of the time and place of such attendance, and to receive such entry made in the manner before directed, at such place, or at any other, where he may happen to be within the said month of September; and on tender and payment being made of the duty or duties therein mentioned, to grant a certificate for each and every carriage mentioned in such entry; therein specifying the name of the owner, the description and denomination of the carriage, and the sum paid, with the time when, and the period for which, such duty shall be so paid: and the forms of the certificates to be so granted shall be prescribed by the treasury department; and such certificates, or the acknowledgments of the officer of inspection, by a credit in his public accounts, shall be the only evidence, to be exhibited and admitted, that any duty imposed by this act has been discharged: *Provided nevertheless*, that no certificate shall be deemed of validity, any longer, than while the carriage, for which the

Entry to be made every year.

Duty of the officers of inspection.

Certificate to be granted.

Change of ownership.

Provision for persons beginning to keep a carriage after the month of September.

When duties shall be deemed to commence.

Penalty on making an untrue entry; or no entry; or not paying duties.

Proviso.

said certificate was granted, is owned by the person mentioned in such certificate, unless such certificate shall be produced to the officer of inspection, by whom it was granted; and an entry shall be thereon made, specifying the name of the then owner of such carriage, and the time when he or she became possessed of the same.

SEC. 5. *And be it further enacted*, That any and all persons, who shall commence the having or keeping of any carriage, subject to duties, after the month of September, and before the month of September in the next succeeding year, shall and may, at any time during the month in which they shall so commence the having or keeping of such carriage, make like entry, in manner before prescribed; and on payment of such proportion of the duties laid by this act, on such carriage, as the time, at which he shall commence the keeping of such carriage, to the end of the month of September then next ensuing, shall bear to the whole year, shall be entitled to, and may demand like certificates, subject, nevertheless, to the conditions before and herein after provided.

SEC. 6. *And be it further enacted*, That the duties payable by this act shall, in respect to any and all persons who shall have or keep carriages, during the month of September, be deemed to commence, and shall be computed from the last day of the said month: And in respect to persons, who shall commence the having or keeping of carriages, after the said month of September, the said duties shall be deemed to commence, and shall be computed, from the last day of the month in which they shall so begin to have or keep such carriages; conformably to which, the certificates before, and herein after mentioned, shall be issued and granted.

SEC. 7. *And be it further enacted*, That any person having or keeping any carriage subject to duty, who shall make an untrue or defective entry, to evade the whole or any part of the duty justly and truly payable, according to this act, shall lose the sum paid pursuant to such untrue or defective entry; and where such untrue or defective entry hath been made, or where no entry shall be made, or where there shall be a neglect of payment after entry, such person shall, moreover, in addition thereto, at any time thereafter, on personal application and demand, at the house, dwelling, or usual place of abode of such person, by the proper officer of inspection, be liable, and shall pay the duties by this act imposed, with a further sum for the benefit of such officer, of twenty-five per centum: which duties, with the said addition, shall be collected by distress and sale of the goods and chattels of the person, by whom the same shall be due and payable: *Provided always*, that such application and demand shall not be made until sixty days after the day on which any duty shall commence; and if entry and payment shall be made, within the said sixty days, at the office of inspection of the district, or at any other place, where the inspector may happen to be, the owner of the carriage shall be exempted from the payment of the said sum of twenty-five per centum: *Provided nevertheless*, that if any person, of whom such application and demand shall be made, shall forthwith present to such officer of inspection, a full and exact description, of the carriage or carriages, on which the duties demanded shall have accrued, with a statement of the cause, matter or thing, whereby an entire exemption from duty is claimed, or whereby a right is claimed under this act, to a remission of a part of the sum demanded, such description and statement being first subscribed and verified on oath or affirmation, before some competent magistrate, by the person, by or for whom the same shall be presented; then and in such case, the officer of inspection shall receive such description and statement, and shall, furthermore, forbear to collect the duties and sum demanded.

SEC. 8. *And be it further enacted*, That the officers of inspection, who shall receive the statements and allegations of persons claiming

either an entire exemption, or a remission of any part of any duty, or sum demanded under authority, derived from this act, which may be presented to them, in manner and form before prescribed, shall forthwith transmit the same to the supervisors of their respective districts, for their consideration and decision, with such proofs and evidence in relation thereto, as they shall judge proper. And the supervisors shall forthwith, on receiving the statements and allegations before mentioned, with the proofs and evidence accompanying the same, decide thereon, according to the true intent and meaning of this act.

Officers of inspection to send allegations to supervisors for their decision.

SEC. 9. *And be it further enacted*, That the decisions of the supervisors in the cases referred to them, in manner before prescribed, shall be forthwith communicated to the officers of inspection, whom the same may concern; and such decisions shall be final and conclusive, when rendered against the demand of any officer of inspection, for any duties imposed by this act: And in cases, where the said supervisors shall decide, that the duties in question, or any part thereof, are justly payable according to this act, the proper officer of inspection shall forthwith collect the same, by distress and sale of the goods and chattels of the persons charged with such duties: *Provided nevertheless*, that any person aggrieved by the decision of a supervisor, may, within two months, by application in writing to such supervisor, require that the statements and proofs, on which such decision was founded, be transmitted to the Secretary of the Treasury, who shall have power to determine thereon, and if he judge proper, to direct the duty or duties, which shall have been collected in consequence of such decision, to be returned; and if any such person shall be aggrieved by the decision of the Secretary of the Treasury, he shall be allowed, within four months, to institute a suit in the proper district court of the United States, against the supervisor of the district, for the recovery of any duties collected in pursuance of any decision rendered in manner aforesaid; but the parties maintaining such suits shall, in all such cases, be confined to the assignment and proof of such facts and matters, as may have been previously stated to the said supervisors, in manner before provided.

Decisions of supervisors to be final.

Proviso.

SEC. 10. *And be it further enacted*, That in all cases, where any duty shall be collected, pursuant to this act, whether by distress or otherwise, certificates shall be granted for each carriage, in manner, as before prescribed.

Certificates to be given for the duties.

SEC. 11. *And be it further enacted*, That the supervisors of the revenue, and inspectors of surveys, shall have power, from time to time, to examine, upon oath or affirmation, any officers or persons employed under them in the collection and receipt of the duties imposed by this act: And any officer or person, who shall swear or affirm falsely, touching any matter hereby required to be verified on oath or affirmation, shall, on conviction thereof, suffer the pains and penalties, which are prescribed for wilful and corrupt perjury.

Power to supervisors and inspectors to examine on oath the officers employed by them.

SEC. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding, in the whole, five per centum of the total amount of the said duties collected.

President of U. States to allow for collection of the duties not exceeding five per cent. on the whole amount.

SEC. 13. *And be it further enacted*, That the act, intituled "An act laying duties on carriages for the conveyance of persons," and so much of the fifteenth section of the act, intituled "An act to alter and amend the act, intituled An act laying certain duties upon snuff and refined sugar," as authorizes the President of the United States to apply a sum not exceeding five per centum on the total amount of duties collected on carriages for the conveyance of persons, shall cease, and be repealed, from and after the last day of August next; except for the

Certain act and parts of act repealed.

1794, ch. 45.
1795, ch. 43.

Exception.

recovery of any duties or penalties, which shall have accrued, and remain unpaid; any thing in the last section of the act of the last session, intituled 1795, ch. 45. "An act making further provision for the support of public credit, and for the redemption of the public debt," to the contrary notwithstanding: And that this act shall continue in force, until the last day of August, in the year one thousand eight hundred and one, and no longer.

APPROVED, May 28, 1796.

STATUTE I.

May 28, 1796.

CHAP. XXXVIII.—*An Act for the relief of persons imprisoned for Debt.*

[Expired.]

1798, ch. 50.
1792, ch. 29.
Privileges of
persons impris-
oned in civil ac-
tions under U.
States.

Oath to be ad-
ministered to
them.

Oath to be ad-
ministered to
persons impris-
oned for debt,
and by whom.

Penalty on
swearing false-
ly.

1794, ch. 34.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That persons imprisoned on process issuing from any court of the United States in civil actions, shall be entitled to like privileges of the yards or limits of the respective gaols, as persons confined in like cases, on process from the courts of the respective states, are entitled to, and under the like regulations and restrictions.

SEC. 2. *And be it further enacted,* That any person imprisoned as aforesaid, may have the oath or affirmation herein after expressed, administered to him by any judge of the United States; and in case there shall be no judge of the United States residing within twenty miles of the gaol wherein such debtor may be confined, such oath or affirmation may be administered by any two persons, who may be commissioned for that purpose by the judge of the district court of the United States within whose jurisdiction the debtor may be confined; the creditor, his agent or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least thirty days previous notice by a citation served on him, issued by the district judge to appear at the time therein mentioned at the said gaol, if he see fit, to shew cause, why the said oath or affirmation should not be so administered: at which time and place, if no sufficient cause, in the opinion of the judge, (or the commissioners appointed as aforesaid) be shewn, or doth, from examination, appear to the contrary, he (or they) may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz: "You, , solemnly swear (or affirm) that you have not estate, real or personal, nor is any, to your knowledge, holden in trust for you, (necessary wearing apparel excepted) to the amount or value of thirty dollars, nor sufficient to pay the debt for which you are imprisoned." Which oath or affirmation being administered, the judge or commissioners shall certify the same under his or their hands to the prison keeper, and the debtor shall be discharged from his imprisonment on such judgment, and shall not be liable to be imprisoned again for the said debt, but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then or at any time afterwards belong to the debtor. And whenever the oath aforesaid shall be administered by commissioners, in addition to the certificate by them made and delivered to the prison keeper, they shall make return of their doings to the district court with the commission to them issued to be kept upon the files and records of the same court.

SEC. 3. *And be it further enacted,* That if any person shall falsely take the oath or affirmation aforesaid, such person shall be deemed guilty of perjury, and upon conviction thereof, shall suffer the pains and penalties in that case provided. And the court, upon the motion of the creditor, shall recommit the debtor to the prison from whence he was liberated, there to be detained for the said debt, in the same manner as if such oath or affirmation had not been taken.

SEC. 4. *And be it further enacted,* That the act, entitled "An act

to continue in force the act for the relief of persons imprisoned for debt," be and the same is hereby repealed.

SEC. 5. *And be it further enacted*, That this act shall continue in force for the term of three years.

APPROVED, May 28, 1796.

Former act repealed.

Limitation of this act for three years.

STATUTE I.

CHAP. XXXIX.—*An Act to ascertain and fix the Military Establishment of the United States.*

May 30, 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the military establishment of the United States, from and after the last day of October next, be composed of the corps of artillerists and engineers, as established by the act, intitled "An act providing for raising and organizing a corps of artillerists and engineers;" two companies of light dragoons, who shall do duty on horse or foot, at the discretion of the President of the United States; and four regiments of infantry, of eight companies each; the company of dragoons shall consist of one captain, two lieutenants, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and fifty-two privates; and shall be armed and accoutred in such manner as the President of the United States may direct.

[Repealed.]
Military establishment after 31st of October next.

Page 507, post.

1794, ch. 24.

SEC. 2. *And be it further enacted*, That each regiment of infantry shall consist of one lieutenant colonel commandant, two majors, one adjutant, one paymaster, one quartermaster, one surgeon, two surgeon's mates, eight captains, eight lieutenants, eight ensigns, two sergeant majors, two quartermaster-sergeants, two senior musicians, thirty-two sergeants, thirty-two corporals, sixteen musicians, and four hundred and sixteen privates: *Provided always*, that the President of the United States may, in his discretion, appoint an additional number of surgeon's mates, not exceeding ten, and distribute the same, according to the necessity of the service.

Number of officers and men to each regiment of infantry.

Page 507, post.

SEC. 3. *And be it further enacted*, That there shall be one major-general, with two aids-de-camp, one brigadier-general, who may choose his brigade-major from the captains or subalterns of the line; which brigade-major shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled to four rations of provisions, for his daily subsistence; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof: one quartermaster-general; one inspector, who shall do the duty of adjutant-general; and one paymaster-general: and that the adjutants, quartermasters and paymasters of regiments shall be appointed from the subalterns of their respective regiments.

To be one major-general with two aids, &c.

Allowance to certain officers in addition to their pay in the line.

Page 507, post.

SEC. 4. *And be it further enacted*, That the President of the United States cause to be arranged, the officers, non-commissioned officers, privates and musicians of the legion of the United States, and light dragoons, in such manner, as to form and complete out of the same, the four regiments aforesaid, and two companies of light dragoons: And the supernumerary officers, privates and musicians shall be considered, from and after the last day of October next, discharged from the service of the United States.

President of the U. States to cause to be arranged the legion and light dragoons.

Supernumeraries to be discharged on 31st October next.

SEC. 5. *And be it further enacted*, That the corps of artillerists and engineers be completed, conformably to the act of the eighth day of May, one thousand seven hundred and ninety-four, establishing the same, and prescribing the number and term of enlistments, and the method of organization.

Artillerists and engineers to be completed.

SEC. 6. *And be it further enacted*, That the commissioned officers, who shall be employed in the recruiting service, to keep up, by enlistments, the corps of artillerists, infantry and dragoons aforesaid, shall be

Two dollars allowance to each recruit.

entitled to receive, for every able-bodied recruit, duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of two dollars.

Bounty to certain soldiers on re-enlisting for five years.

SEC. 7. *And be it further enacted*, That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom, subsequent to the third day of March, one thousand seven hundred and ninety-four, who shall re-enlist, for the term of five years, unless sooner discharged, a bounty of sixteen dollars; and to each person not now in the army of the United States, or discharged, as above, who shall hereafter enlist for the term aforesaid, a bounty of fourteen dollars; but the payment of four dollars of the bounty of each and every man so enlisting, shall be deferred, until he shall have joined the corps, in which he is to serve.

Uniform clothing for artillery and infantry.

SEC. 8. *And be it further enacted*, That every non-commissioned officer, private and musician of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, one coat, one vest, two pair of woollen, and two pair of linen overalls, four pair of shoes, four shirts, four pair of socks, one blanket, one stock and clasp, and one pair of buckles.

For dragoons.

SEC. 9. *And be it further enacted*, That suitable clothing be provided for the dragoons, adapted to the nature of the service, and conformed, as near as may be, to the value of the clothing, allowed to the infantry and artillery.

Rations.

SEC. 10. *And be it further enacted*, That every non-commissioned officer, private and musician shall receive, daily, the following rations of provisions, to wit: one pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy or whiskey; and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

Additional allowance to those employed on the frontiers.

Page 507, post.

SEC. 11. *Provided always, and be it further enacted*, That to those in the military service of the United States, who are, or shall be employed on the western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of the rations, and half a pint of salt, in addition to every hundred of their rations.

Monthly pay.

SEC. 12. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians and privates, of the military establishment, be as follows: a major-general, one hundred and sixty-six dollars; a brigadier-general, one hundred and four dollars; quartermaster, inspector, and paymaster-generals, each, in addition to their pay in the line, twenty-five dollars; principal artificer, forty dollars; second artificer, twenty-six dollars; lieutenant-colonel-commandant, seventy-five dollars; major of artillery and of dragoons, fifty-five dollars; major of infantry fifty dollars; paymaster, adjutant and regimental quartermaster, in addition to their pay in the line, ten dollars; captain, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; surgeon's mates, thirty dollars; sergeant-majors, and quartermaster-sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry and artillery, farriers and saddlers to the dragoons, each, nine dollars; matrons and nurses in the hospital, eight dollars.

Subsistence.

SEC. 13. *And be it further enacted*, That the commissioned officers aforesaid, shall be entitled to receive, for their daily subsistence, the following number of rations of provisions: a major-general, fifteen rations; a brigadier-general, twelve rations; a lieutenant-colonel-commandant, six rations; a quartermaster, inspector, and paymaster-generals, each, six rations; and each aid-de-camp shall receive the monthly pay of twenty-four dollars, in addition to his pay in the line, be entitled

to four rations of provisions for his daily subsistence; and whenever forage shall not be furnished by the public, to ten dollars per month, in lieu thereof; a captain, three rations; a lieutenant, ensign, and cornet, each, two rations; a surgeon, three rations; a surgeon's mate, two rations; a principal, and second artificer, each, two rations, or money in lieu thereof, at the option of the said officers, at the posts respectively, where the rations shall become due; and if at such posts, supplies are not furnished by contract, then such allowance, as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

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SEC. 14. *And be it further enacted*, That the officers herein after described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: a major-general, twenty dollars; a brigadier-general, sixteen dollars; quartermaster, inspector and paymaster generals, each, twelve dollars; lieutenant-colonel commandant, twelve dollars; major, ten dollars; captain of dragoons, eight dollars; lieutenant and cornet, each, six dollars; surgeon, ten dollars; surgeon's mate, six dollars; principal artificer, paymaster, adjutant and regimental quartermaster, each, six dollars.

Allowance in lieu of forage.

SEC. 15. *And be it further enacted*, That every person, who shall procure or entice a soldier in the service of the United States, to desert, or who shall purchase, from any soldier, his arms, uniform clothing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding three hundred dollars, or be imprisoned, for any term, not exceeding one year.

Penalty on enticing a soldier to desert, or on purchasing his arms, &c.

SEC. 16. *And be it further enacted*, That no non-commissioned officer, or private, shall be arrested, or subject to arrest, for any debt under the sum of twenty dollars.

Soldier not to be arrested for debt less than 20 dollars.

SEC. 17. *And be it further enacted*, That if any non-commissioned officer, musician or private, shall desert from the service of the United States, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve, for and during such a period, as shall, with the time he may have served, previous to his desertion, amount to the full term of his enlistment, and such soldier shall and may be tried and sentenced by a regimental, or garrison court martial, although the term of his enlistment may have elapsed, previous to his being apprehended or tried.

Deserters to make good their term of enlistment.

SEC. 18. *And be it further enacted*, That the sentences of general courts martial, in time of peace, extending to the loss of life, the dismissal of a commissioned officer; or which shall, either in time of peace or war, respect a general officer, shall, with the whole of the proceedings in such cases, respectively, be laid before the President of the United States; who is hereby authorized to direct the same to be carried into execution, or otherwise, as he shall judge proper.

Sentence of general courts martial to be sent to the President of United States.

SEC. 19. *And be it further enacted*, That if any officer, non-commissioned officer, private or musician aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided always*, that the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers,

Wounded soldiers to be placed on pension list.

Rate of compensation.

The troops aforesaid to be governed by the articles of war.

privates and musicians, shall never exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability.

SEC. 20. *And be it further enacted*, That the officers, non-commissioned officers, privates and musicians aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, [except so much of the same as is by this act altered or amended] as far as the same may be applicable to the constitution of the United States; or by such rules and articles, as may hereafter by law be established.

To take oath.

SEC. 21. *And be it further enacted*, That every officer, non commissioned officer, private and musician aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear, or affirm [as the case may be] to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Acts coming within the purview of this act repealed.

SEC. 22. *And be it further enacted*, That so much of any act or acts, now in force, as comes within the purview of this act, shall be, and the same is hereby repealed; saving, nevertheless, such parts thereof, as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the United States.

Staff to continue till 4th of March.

SEC. 23. *And be it further enacted*, That the general staff, as authorized by this act, shall continue in service until the fourth day of next March, and no longer.

Page 749, post.

APPROVED, May 30, 1796.

STATUTE I.

May 30, 1796.

CHAP. XL.—*An Act to regulate the Compensation of Clerks.*

[Obsolete.] Heads of Departments to vary compensations to clerks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the Secretary of the Treasury, the Secretary of the department of State, and the Secretary of the department of War, be authorized to vary for the present year the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed shall in their judgment require.

Addition to the appropriations of 1794.

SEC. 2. *And be it further enacted*, That to the aggregate of compensations for clerks, in the year one thousand seven hundred and ninety-four, there shall, during the present year, be farther allowed,

In the Treasury Department, the sum of four thousand dollars, including one thousand eight hundred dollars to three additional clerks.

In the Department of State, the sum of two hundred dollars.

In the Department of War, the sum of two hundred dollars. And that the accountant of the war department may employ a principal clerk at the salary allowed to principal clerks in the other departments.

And to the Director of the Mint, for one clerk to be employed by him the additional sum of two hundred dollars.

Allowance to certain commissioners of loans.

SEC. 3. *And be it further enacted*, That there be allowed for the present year to the commissioners of loans in the states of Massachusetts and New York, respectively, not exceeding five clerks, at the rate of five hundred dollars each; to the commissioner of loans in the state of Connecticut, not exceeding two clerks, at the rate of four hundred dollars each; and to the commissioners of loans in the states of Pennsylvania, Virginia and South Carolina, respectively, not exceeding two clerks, at the rate of five hundred dollars each. The aggregate of the compensations for the clerks employed by either of the said commis-

sioners to be apportioned among them at his discretion. That there be allowed for the year aforesaid, in lieu of clerk hire to the commissioner of loans in the state of New Hampshire, three hundred and fifty dollars; to the commissioner of loans, in the state of Rhode Island, four hundred dollars; to the commissioner of loans, in the state of New Jersey, three hundred dollars; and to the commissioner of loans, in the state of Maryland, two hundred and fifty dollars.

APPROVED, May 30, 1796.

See p. 730, post.

STATUTE I.

May 30, 1796.

CHAP. XLI.—*An Act making further provision for the expenses attending the intercourse of the United States with foreign nations; and to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the first day of July, one thousand seven hundred and ninety; together with the second section of the act, intituled "An act to continue in force, for a limited time, and to amend the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the ninth day of February, one thousand seven hundred and ninety-three, shall be continued in force, for the term of one year from the passing of this act, and from thence, until the end of the next session of Congress thereafter holden, and no longer.

[Obsolete.]
Limitations of former acts providing the means of intercourse with foreign nations.

1790, ch. 22.
1793, ch. 4.
1794, ch. 7.

SEC. 2. *And be it further enacted,* That the sum of twenty thousand dollars be, and the same is hereby appropriated, for defraying the expenses which may attend the intercourse between the United States and foreign nations, during the year one thousand seven hundred and ninety-six, in addition to the sum of forty thousand dollars, annually appropriated for that purpose.

Appropriations

SEC. 3. *And be it further enacted,* That so much of the sum appropriated by the first section of the act, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, intituled "An act providing the means of intercourse between the United States and foreign nations," passed the twentieth day of March, one thousand seven hundred and ninety-four, as remains unexpended, together with a further sum of two hundred and sixty thousand dollars, be, and the same is hereby appropriated, for the purpose of carrying into effect, any treaty already made, and to enable the President to effect any treaty or treaties, with any of the Mediterranean powers.

for carrying into effect certain treaties:

1794, ch. 7.

SEC. 4. *And be it further enacted,* That the sum of four thousand five hundred and thirty-nine dollars and six cents, be, and the same is hereby appropriated to reimburse certain sums advanced by Captain Colvill and Captain Burnham, for their ransom from captivity in Algiers; which sum, the Secretary of the Treasury is hereby authorized and required to pay to the said captains Colvill and Burnham, dividing the same equally between them.

for reimbursing Captains Colvill and Burnham.

SEC. 5. *And be it further enacted,* That the President of the United States be authorized to borrow, on the credit of the United States, if, in his opinion, the public service shall require it, a sum not exceeding three hundred and twenty-four thousand five hundred and thirty-nine dollars and six cents, at an interest not exceeding six per centum per annum, reimbursable at the pleasure of the United States, to be applied to the purposes of this act, and to be repaid out of the duties on imports and tonnage accruing during the present year, and not otherwise appropri-

President of the U. States to borrow not exceeding
\$324,539 6 cts.

ated: And it shall be lawful for the Bank of the United States to lend the same.

APPROVED, May 30, 1796.

STATUTE I.

May 30, 1796.

CHAP. XLIII.—*An Act to continue in force, for a limited time, the acts therein mentioned.*

[Expired.]

Acts for support of lighthouses and for mitigating and remitting forfeitures continued for two years.

Ante, p. 339.

Ante, p. 122.

Also 13th section of act for collecting duties on foreign and domestic distilled spirits, &c. for one year.

Ante, p. 378.

Ante, p. 390.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, entitled "An act supplementary to the act for the establishment and support of lighthouses, beacons, buoys and public piers," so far as the same provides for defraying the necessary expense of supporting lighthouses, beacons, buoys, and public piers, and the stakeage of channels on the sea coast. And also, the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," be, and the same are hereby continued in force for the term of two years.

SEC. 2. *And be it further enacted,* That the thirteenth section of the act, intituled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines and teas," which section will expire at the end of the present session of Congress, shall be, and the same is hereby further continued in force, for the term of one year from the passing of this act, and from thence to the end of the next session of Congress thereafter, and no longer.

APPROVED, May 30, 1796.

STATUTE I.

May 31, 1796.

CHAP. XLIV.—*An Act making provision for the payment of certain Debts of the United States.*

[Expired.]

Commissioners of sinking fund, with approbation of the President of the United States to borrow \$5,000,000. How to be applied.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall be lawful for the commissioners of the sinking fund, with the approbation of the President of the United States, to borrow, or cause to be borrowed, on the credit of the United States, any sum not exceeding five millions of dollars, to be applied to the payment of the capital, or principal of any parts of the debt of the United States now due, or to become due, during the course of the present year, to the bank of the United States, or to the bank of New York, or for any instalment of foreign debt; And that, for the whole, or such part of the said sum, as shall be borrowed, certificates shall be issued, purporting that the United States are indebted for the sums to be therein expressed, bearing an interest of six per centum per annum, payable quarter yearly; which sums, at the said rate of interest, are to remain fixed and irredeemable, until the close of the year one thousand eight hundred and nineteen, and to be redeemed thereafter, at the pleasure of the United States: And the bank of the United States is hereby authorized to lend the whole, or any part, of the said five millions of dollars, and to sell the stock received for such loan.

And credits to be entered.

Certificates for not less than \$100 to be issued.

Ante, p. 138.

SEC. 2. *And be it further enacted,* That credits for the sums which shall be borrowed, pursuant to this act, shall be entered and given on the books of the treasury, in like manner as for the present domestic funded debt; and that certificates, for sums not less than one hundred dollars, pursuant to the provisions herein contained, shall be issued by the Register of the Treasury; which shall be transferable in like manner, and by the like ways and means, as are provided by the seventh section of the act, intituled "An act making provision for the debt of the United States," touching the credits or stock therein mentioned; and that the interest to be paid upon the stock, which shall be constituted by virtue of the loan herein proposed, shall be paid at the offices or places, where

the credits for the same shall, from time to time, stand or be; subject to the like conditions and restrictions as are prescribed in and by the eighth section of the act last aforesaid.

SEC. 3. *And be it further enacted*, That it shall be deemed a good execution of the power to borrow, herein granted, for the said commissioners of the sinking fund, to cause to be constituted, certificates of stock of the description herein mentioned, and to cause the same to be sold in the United States, or elsewhere: *Provided*, That no more than one moiety of the said stock shall be sold under par: And it shall be lawful for the commissioners of the sinking fund, if they shall find the same to be most advantageous, to sell such and so many of the shares of the stock of the bank of the United States, belonging to the United States, as they may think proper; and that they apply the proceeds thereof to the payment of the said debts, instead of selling certificates of stock, in the manner prescribed in this act. And such of the revenues of the United States, heretofore appropriated for the payment of interest of debts, thus discharged, shall be, and the same are hereby pledged and appropriated, towards the payment of the interest, and instalments of the principal, which shall hereafter become due, on the loan obtained of the bank of the United States, pursuant to the eleventh section of the act for incorporating the subscribers to the said bank.

How the power to borrow may be executed.

Appropriation for payment of the interest.

SEC. 4. *And be it further enacted*, That such of the revenues of the United States, heretofore appropriated for the payment of interest on such debts as may be liberated or set free, by payments from the proceeds of the loan herein proposed, together with such further sums of the proceeds of the duties on goods, wares and merchandise imported; on the tonnage of ships or vessels; and upon spirits distilled in the United States, and stills; as may be necessary, shall be, and the same are hereby pledged and appropriated for the payment of the interest which shall be payable upon the sums subscribed to the said loan; and shall continue so pledged and appropriated, until the principal of the said loan shall be fully reimbursed and redeemed.

Funds appropriated for payment of interest and principal.

SEC. 5. *And be it further enacted*, That the principal of the said loan, bearing interest as aforesaid, shall remain fixed and irredeemable by the United States, until the close of the year one thousand eight hundred and nineteen; after which period, the said loan shall be redeemed, at the pleasure of the United States: and the funds which shall be liberated by the discharge of the stock of the United States, bearing a present interest of six per centum, or so much thereof, as may be necessary, shall be, and the same are hereby pledged and appropriated for the said redemption.

Principal irredeemable until the year 1819.

SEC. 6. *And be it further enacted*, That the department of the treasury, according to the respective duties of the officers thereof, shall, and they are hereby directed to establish such forms and rules of proceeding, touching the execution of this act, as shall be conformable with the provisions thereof.

Duty of treasury department herein.

APPROVED, May 31, 1796.

STATUTE 1.

June 1, 1793.

CHAP. XLV.—*An Act providing Passports for the ships and vessels of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the Secretary of State, to prepare a form, which, when approved by the President, shall be deemed the form of a passport for ships and vessels of the United States.

SEC. 2. *And be it further enacted*, That every ship and vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by

Act of March 22, 1803, ch. 16. Passport formed by Secretary of State to be approved by the President.

Vessels to be furnished there-with.

On sale or loss of the ship, passport to be delivered up.

Vessels to pay collectors certain sums every voyage.

Penalty on sailing without passport after first September.

the collector for the district, where such ship or vessel may be, with a passport of the form prescribed and established, pursuant to the foregoing section; for which passport, the master of such ship or vessel, shall pay to the said collector, ten dollars, to be accounted for by him; and in order to be entitled to such passport, the master of every such ship or vessel shall be bound with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned, that the said passport shall not be applied to the use or protection of any other ship or vessel, than the one described in the same; and that, in case of the loss or sale of any ship or vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

SEC. 3. *And be it further enacted*, That there shall be paid on every ship and vessel of the United States sailing or trading to any foreign country, other than some port or place in America, for each and every voyage, the sum of four dollars, to be received and accounted for, by the collector, at the time of clearing outward, if such vessel be bound direct to such foreign country, from any port of the United States, or at the time of entry in the United States, if such ship or vessel shall have sailed to such foreign country, from any port or place in America, other than of the United States.

SEC. 4. *And be it further enacted*, That if any ship or vessel of the United States, shall depart therefrom, after the first day of September next, and shall be bound to any foreign country, other than to some port or place in America, without such passport, the master of such ship or vessel shall forfeit and pay the sum of two hundred dollars for every such offence.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

Act of May 18, 1796, ch. 29. Surveyor General to cause certain lands to be surveyed. Post, p. 724.

CHAP. XLVI.—*An Act regulating the grants of land appropriated for Military services, and for the Society of the United Brethren, for propagating the Gospel among the Heathen.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Surveyor General be, and he is hereby required, to cause to be surveyed, the tract of land beginning at the northwest corner of the seven ranges of townships, and running thence fifty miles due south, along the western boundary of the said ranges; thence due west to the main branch of the Scioto river; thence up the main branch of the said river, to the place where the Indian boundary line crosses the same; thence along the said boundary line, to the Tuscaroras branch of the Muskingum river, at the crossing place above Fort Lawrence; thence up the said river, to the point, where a line, run due west from the place of beginning, will intersect the said river; thence along the line so run to the place of beginning; and shall cause the said tracts to be divided into townships of five miles square, by running, marking and numbering the exterior lines of the said townships, and marking corners in the said lines, at the distance of two and one half miles from each other, in the manner directed by the act, intituled "An act providing for the sales of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river;" and that the lands above described, except the salt springs therein, and the same quantities of land adjacent thereto, as are directed to be reserved with the salt springs, in the said recited act, and such tracts within the boundaries of the same, as have

been heretofore appropriated by Congress, be, and they are hereby, set apart and reserved for the purposes herein after mentioned.

SEC. 2. *And be it further enacted*, That the said land shall be granted only in tracts containing a quarter of the township to which they belong, lying at the corners thereof; and that the Secretary of the Treasury shall, for the space of nine months, after public notice in the several states and territories, register warrants for military services, to the amount of any one or more tracts, for any person or persons holding the same; and shall immediately after the expiration of the said time, proceed to determine, by lot, to be drawn in the presence of the secretaries of state and of war, the priority of location of the said registered warrants; and the person or persons holding the same, shall severally make their locations, after the lots shall be proclaimed, on a day to be previously fixed in the before mentioned notice; in failure of which, they shall be postponed in locating such warrants, to all other persons holding registered warrants: And the patents for all lands located under the authority of this act, shall be granted in the manner directed by the before mentioned act, without requiring any fee therefor.

Duty of the Secretary of the Treasury herein.

Priority of location how determined,

and patents granted.

SEC. 3. *And be it further enacted*, That after the time limited for making the locations, as aforesaid, any person or persons holding warrants, of the before mentioned description, sufficient to cover any one or more tracts, as aforesaid, shall be at liberty to make their locations, on any tract or tracts not before located.

Privilege to certain persons holding warrants,

SEC. 4. *And be it further enacted*, That all the lands set apart by the first section of this act, which shall remain unlocated on the first day of January, in the year one thousand eight hundred, shall be released from the said reservation, and shall be at the free disposition of the United States, in like manner as any other vacant territory of the United States. And all warrants or claims for lands on account of military services, which shall not, before the day aforesaid, be registered and located, shall be forever barred.

and lands unlocated after the 1st January, to be at disposition of United States.

Claims limited. Post, p. 724.

SEC. 5. *And be it further enacted*, That the said surveyor general be, and he is hereby, required to cause to be surveyed three several tracts of land, containing four thousand acres each, at Shoenbrun, Gnadenhutzen, and Salem; being the tracts formerly set apart, by an ordinance of Congress of the third of September, one thousand seven hundred and eighty-eight, for the society of United Brethren for propagating the gospel among the heathen; and to issue a patent or patents for the said three tracts to the said society, in trust, for the uses and purposes in the said ordinance set forth.

Three tracts to be surveyed for Society for propagating the Gospel among the heathen.

SEC. 6. *And be it further enacted*, That all navigable streams or rivers within the territory to be disposed of, by virtue of this act, shall be deemed to be and remain public highways. And that, in all cases, where the opposite banks of any stream not navigable shall belong to different persons, the stream and the bed thereof shall be common to both.

Reservations.

APPROVED, June 1, 1796.

STATUTE I.

CHAP. XLVII.—*An Act for the admission of the State of Tennessee into the Union.*

June 1, 1796.

WHEREAS by the acceptance of the deed of cession of the state of North Carolina, Congress are bound to lay out into one or more states, the territory thereby ceded to the United States:

Ante, p. 106.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the whole of the territory ceded to the United States by the state of North Carolina, shall be one state, and the same is hereby declared to be one of the United States of America, on an equal footing with the original states, in all respects

Certain territory declared to be one state under the name of Tennessee.

1802, ch. 1.

whatever, by the name and title of the State of Tennessee. That until the next general census, the said state of Tennessee shall be entitled to one Representative in the House of Representatives of the United States; and in all other respects, as far as they may be applicable, the laws of the United States shall extend to, and have force in the state of Tennessee, in the same manner, as if that state had originally been one of the United States.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Appropriation for defraying expenses on trial of persons concerned in the late insurrection.

Additional compensation to jurors, &c.

1792, ch. 36.

Appropriation for clerks of courts and jurors.

CHAP. XLVIII.—*An Act making an appropriation to satisfy certain Demands attending the late Insurrection; and to increase the compensation to Jurors and Witnesses in the Courts of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That a sum, not exceeding twenty thousand dollars, out of any monies not otherwise appropriated, be, and the same is hereby appropriated to the discharge of certain incidental demands, occasioned by the trial of persons for crimes and offences during the late insurrection, for the payment of which no special provision has been made by law.

SEC. 2. *And be it further enacted,* That in addition to the compensation now allowed by law to jurors and witnesses, attending in the courts of the United States, there shall be allowed and paid to each grand and petit juror, for his attendance, fifty cents per day; and to each witness, for like attendance, fifty cents per day.

SEC. 3. *And be it further enacted,* That the sum of ten thousand dollars, out of any monies not otherwise appropriated, be, and the same is hereby appropriated, for defraying the expense of clerks of courts, jurors and witnesses, for the year one thousand seven hundred and ninety-six, in aid of the fund arising from fines, forfeitures and penalties, and of the appropriations already made for that purpose.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Drawbacks in what cases allowed.

56 section of certain act suspended with regard to the Ohio and Mississippi.

1791, ch. 15.

Repealed 1802, ch. 19.

CHAP. XLIX.—*An Act limiting the time for the allowance of Drawback on the Exportation of Domestic distilled Spirits, and allowing a Drawback upon such Spirits exported in vessels of less than thirty tons, by the Mississippi.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first day of July next, no drawback shall be allowed on any of the spirits distilled in the United States, which shall not be exported, pursuant to regulations heretofore enacted, and in force, within twelve months from the time when such spirits were distilled, to be ascertained by the dates of the certificates which may and ought to accompany the said spirits, at the time of exportation.

SEC. 2. *And be it further enacted,* That the restriction in the fifty-sixth section of the act, intituled "An act, repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also, upon spirits distilled in the United States, and for appropriating the same," shall, from and after the first day of July next, be suspended, and cease to operate for the space of one year, so far as the said restriction respects any distilled spirits which may be exported from the district of Louisville, in the state of Kentucky, or from any district which may be hereafter established on the rivers Mississippi or Ohio, or the branches thereof.

APPROVED, June 1, 1796.

CHAP. L.—*An Act making further appropriations for the year one thousand seven hundred and ninety-six.*

STATUTE I.

June 1, 1796.

[Obsolete.]
Additional appropriations for 1796.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to the sums heretofore appropriated, there be further appropriated for and during the present year, the following sums, that is to say: In the Department of State, for the compensation of clerks, two hundred dollars: In the Department of the Treasury, for the compensation of clerks, four thousand dollars: In the Department of War, for the additional salary of the accountant, four hundred dollars; and for the additional compensation of clerks in the said department, seven hundred dollars; and in the mint of the United States, for the additional salary of a clerk, two hundred dollars.

SEC. 2. *And be it further enacted,* That for the compensation of clerks in the several loan offices; and for defraying the expenses of books and stationery for the said offices, during the present year, and during the year one thousand seven hundred and ninety-five, there be appropriated a sum not exceeding fourteen thousand dollars.

Loan office clerks.

SEC. 3. *And be it further enacted,* That there be further appropriated towards defraying the extraordinary expenses which may be incurred during the year one thousand seven hundred and ninety-six, for foreign intercourse, a sum not exceeding twenty-three thousand five hundred dollars, in addition to the sum already appropriated for that purpose, by the second section of the act of the present session, intituled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and to continue in force the act, entitled "An act providing the means of intercourse between the United States and foreign nations."

Foreign intercourse.

Contingent expenses of government, 1796, ch. 41.

SEC. 4. *And be it further enacted,* That there be appropriated for the contingent expenses of the government of the United States, a sum not exceeding twenty thousand dollars, subject to the disposition of the President of the United States, and for the payment of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, a sum not exceeding two thousand dollars; and that the several appropriations herein before made, be, and the same are hereby directed to be paid out of the proceeds of the duties on imports and the tonnage of ships and vessels, and the duties on domestic distilled spirits and on stills, which shall accrue until the close of the present year.

Out of what funds payable.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]
Appropriations for military establishment.

CHAP. LI.—*An Act making appropriations for the support of the Military and Naval Establishments for the year one thousand seven hundred and ninety-six.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That including the appropriation of five hundred thousand dollars, made for the military establishment for the year one thousand seven hundred and ninety-six, by an act of the present session, there be appropriated for the military and naval establishments, a sum not exceeding one million, three hundred and eighteen thousand, eight hundred and seventy-three dollars; that is to say: For the pay of the army of the United States, the sum of two hundred and seventy-three thousand, six hundred and sixty-six dollars: For subsistence of the officers of the army, the sum of forty-five thousand six hundred and six dollars: For the subsistence of the

Appropriations
for military es-
tablishment.

non-commissioned officers and privates, the sum of three hundred thousand dollars: For forage, the sum of sixteen thousand five hundred and ninety-two dollars: For clothing, the sum of seventy thousand dollars: For purchase of horses for the cavalry, the sum of three thousand seven hundred and fifty dollars: For bounties, the sum of ten thousand dollars: For the hospital department, the sum of thirty thousand dollars: For the ordnance department, the sum of forty thousand dollars: For the Indian department, the sum of sixty thousand dollars: For the quartermaster's department, the sum of two hundred thousand dollars: For contingencies of the war department, the sum of thirty thousand dollars: For the defensive protection of the frontiers, the sum of one hundred thousand dollars: For the completion of the fortifications, magazines, store houses and barracks at West Point, the sum of twenty thousand dollars: For the pay and subsistence of three captains in the naval department, the sum of five thousand dollars: For the payment of military pensions, including an allowance to the widows and children of officers, under an act, intituled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States," the sum of one hundred and fourteen thousand two hundred and fifty-nine dollars.

1794, ch. 52.

Out of what
funds payable.

1790, ch. 34.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit: First, The surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States;" and which shall accrue, during the year one thousand seven hundred and ninety-six: Secondly, The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-six; and, Thirdly, The surplus which shall remain unexpended, of the monies appropriated to the use of the war department, for the year one thousand seven hundred and ninety-five.

President of
United States
may borrow
\$650,000 to sa-
tisfy this act.

SEC. 3. *And be it further enacted*, That the President of the United States be empowered to borrow, at an interest not exceeding six per centum, of the Bank of the United States, which is hereby authorized to lend the same; or of any body or bodies politic, person or persons, any sum or sums not exceeding in the whole, six hundred and fifty thousand dollars, and to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the funds aforesaid.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

[Obsolete.]

Distillers when
admitted to an
election to pay
monthly duty on
stills.

CHAP. LII.—*An Act providing relief to the owners of Stills within the United States, for a limited time, in certain cases.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in every case of a distiller, who hath entered his still or stills, in such manner, as to be liable to pay the duty of fifty-four cents upon the capacity or capacities thereof, for the year to end in June, one thousand seven hundred and ninety-six, wherein it shall be made to appear to the supervisor of the district, that the said distiller has been really and truly prevented from employing or working his still or stills, during any part of the term aforesaid, by the destruction or failure of fruit and grain, or any other unavoidable cause within the district in which he resides, it shall and may be lawful for the said supervisor, on application made to him, any time before the last day of September next, to admit such distiller to the benefit of an election, to pay, in lieu of the duty on the capacity of his still or stills for the year, the monthly duty of ten cents per gallon of the capacity for the time he employed his still or stills.

APPROVED, June 1, 1796.

STATUTE I.

June 1, 1796.

CHAP. LIII.—*An Act to suspend, in part, the act intituled "An act to alter and amend the act intituled An act laying certain duties upon Snuff and refined Sugar."*

[Obsolete.]

Certain act
laying duty on
snuff mills, &c.
suspended.

1795, ch. 43.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act intituled "An act to alter and amend the act, intituled An act laying certain duties upon snuff and refined sugar," as respects the duties therein laid upon mills and implements employed in the manufacture of snuff, and the drawbacks therein allowed upon the exportation of snuff manufactured within the United States, be suspended, from the passing of this act, until the end of the next session of Congress.

APPROVED, June 1, 1796.

RESOLUTION.

April 18, 1796.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the Department of War, return to the respective district judges, the names of all such persons, as have been transmitted to him by the several district judges, pursuant to the act for the regulation of claims to invalid pensions; and in whose cases, the examining physicians have neglected to specify the ratio of disability; together with such defective returns of physicians. And the said district judges, respectively, shall forthwith cause the examining physicians to specify the several rates of disability, which have been so neglected; or, in case of sickness, death, or removal of one or both such physicians, to make new appointments, and cause the several rates of disability to be specified, and by the said physicians returned to them, as soon as may be; of which, they shall make return to the Secretary at War, who shall, at the session of Congress holden next after, or at the time of such receipt, make return thereof, with such observations, as he may think proper to subjoin, that the proper order may be taken thereon by Congress.

Relating to in-
valid pension-
ers.

APPROVED, April 18, 1796.

ACTS OF THE FOURTH CONGRESS

OF THE

UNITED STATES,

Passed at the second session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the fifth day of December, 1796, and ended on the third of March, 1797.

GEORGE WASHINGTON, President; JOHN ADAMS, Vice President of the United States, and President of the Senate; WILLIAM BINGHAM, President of the Senate pro tempore, from March 2d, 1797; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE II.

Dec. 21, 1796.

[Obsolete.]

Act of March 3, 1796, ch. 50.
Acts of present session, how published.

CHAPTER I.—*An Act to amend the act intituled "An act for the more general promulgation of the Laws of the United States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the department of State shall cause to be included in the edition of the laws of the United States, directed to be printed by the said act, the laws of the United States which may be passed during the present session of Congress: *Provided*, the same can be done at an expense which he shall judge reasonable.

APPROVED, December 21, 1796.

STATUTE II.

Jan. 31, 1797.

CHAP. II.—*An Act giving effect to the Laws of the United States, within the State of Tennessee.*

Act of June 1, 1796, ch. 47.
Act of Feb. 19, 1799, ch. 8.
Laws to extend to Tennessee.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the state of Tennessee, as elsewhere within the United States.

And to the end, that the act, intituled "An act to establish the judicial courts of the United States," may be duly administered within the state of Tennessee,

Ante, p. 73.

District courts.

SEC. 2. *Be it enacted,* That the said state shall be one district, to be denominated Tennessee district, and there shall be a district court therein, to consist of one judge, who shall reside in the said district, and be called a district judge, and annually hold four sessions; the first to commence on the first Monday in April next, and the three other sessions progressively, on the like Mondays of every three calendar months afterwards. The said district courts shall be held alternately at Knoxville and Nashville, beginning at Nashville. And the said judge shall, in all things, have and exercise the same jurisdiction and powers, which by law are given to the judge of the district of Kentucky.

SEC. 3. *And be it enacted,* That there shall be allowed to the judge of the said district court, the yearly compensation of eight hundred dollars, to commence from the date of his appointment, to be paid quarterly at the treasury of the United States.

And to the end, that the laws providing for the collection of the duties

Salary of the judge.
1802, ch. 31, sec. 12.

imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels, may be carried into effect, in the said state of Tennessee.

SEC. 4. *Be it further enacted*, That for the due collection of the said duties, the said state of Tennessee shall be one district, and a collector shall be appointed to reside at Palmyra, which shall be the only port of entry or delivery within the said district, of any goods, wares or merchandise, not the growth or manufacture of the United States; and the said collector shall have, and exercise all the powers, which any other collector hath, or may legally exercise, for collecting the duties aforesaid; and in addition to the fees by law provided, shall be paid the yearly compensation of one hundred dollars.

APPROVED, January 31, 1797.

Collection district.

Act of March 2, 1801, ch. 12.

STATUTE II.

CHAP. III.—*An Act to augment the Compensation of the Attorney General of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation allowed by law to the Attorney General of the United States, shall be, and the same is hereby augmented, by an addition of the sum of five hundred dollars per annum, to commence on the first day of January, in the present year, and payable quarter-yearly, at the public treasury.

APPROVED, March 2, 1797.

March 2, 1797.

[Obsolete.]
Compensation
to Attorney
General.

Ante, p. 72.

STATUTE II.

CHAP. V.—*An Act to continue in force for a limited time, the act, in addition to the act, for the punishment of certain crimes against the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act, intitled "An act, in addition to the act, for the punishment of certain crimes against the United States," shall continue and be in force, for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, March 2, 1797.

March 2, 1797.

[Expired.]
Act of June 5,
1794, ch. 50.
Act concern-
ing crimes con-
tinued.

STATUTE II.

CHAP. VI.—*An Act making provision for the further accommodation of the household of the President of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the third day of March next, the President of the United States be, and he hereby is authorized and empowered, to cause to be sold, such articles furnished by the United States, for the President's household, as may be decayed, out of repair, or unfit for use, and that the proceeds of such sale, and so much of a sum not exceeding fourteen thousand dollars in addition thereto, out of the proceeds of the duties on imports and tonnage which may accrue during the present year, as the President of the United States may judge necessary, be, and hereby are appropriated for the accommodation of the household of the President, to be laid out and expended for such articles of furniture as he shall direct.

APPROVED, March 2, 1797.

March 2, 1797.

[Obsolete.]
\$14,000 grant-
ed to the Presi-
dent for his
household.

STATUTE II.

March 2, 1797.

[Obsolete.]

Act of Dec.
31, 1792, ch. 1.Secretary of
Treasury autho-
rized to grant
certificates, &c.
in certain cases.

1793, ch. 8.

CHAP. VII.—*An Act, in addition to an act, intituled "An act concerning the registering and recording of ships or vessels," and to an act, intituled "An act for enrolling and licensing ships and vessels employed in the coasting trade and fisheries, and for regulating the same."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall appear, by satisfactory proof, to the Secretary of the Treasury, that any ship or vessel hath been sold and transferred by process of law; and that the register, certificate of enrolment, or license, as the case may be, of such ship or vessel, is retained by the former owners, it shall be lawful for the said secretary, to order and direct the collector of the district to which such ship or vessel may belong, to grant a new register, certificate of enrolment, or license, as the case may be, on the owners, under such sale, complying with such terms and conditions, as are, by law, required for granting of such papers; excepting only the delivering up of the former certificate of registry, enrolment or license, as the case may be: *Provided nevertheless*, that nothing in this act contained, shall be construed to remove the liability of any person or persons to any penalty for not surrendering up the papers, belonging to any ship or vessel, on a transfer or sale of the same.

APPROVED, March 2, 1797.

STATUTE II.

March 3, 1797.

[Obsolete.]

Specific ap-
propriations for
1797.

CHAP. VIII.—*An Act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-seven.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the expenditure of the civil list; for the extra expenses of foreign intercourse; for the support of the mint establishment, lighthouses, beacons, buoys and public piers, for the year one thousand seven hundred and ninety-seven; and to satisfy certain miscellaneous claims, stated in the report of the Secretary of the Treasury, of the fifteenth day of December, one thousand seven hundred and ninety-six, together with the incidental and contingent expenses of the several departments, and the offices thereof, the following sums be respectively appropriated; that is to say:

President and
Vice President.

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars.

Members of
Congress.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of four months' continuance, one hundred and thirty-eight thousand seven hundred and eighty-six dollars and sixty-seven cents.

Contingencies.

For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two houses of Congress, twelve thousand dollars.

For the compensations granted by law to the chief justice, associate judges, district judges, and attorney general, forty-four thousand nine hundred dollars.

For defraying the expenses of clerks of courts, jurors and witnesses, in aid of the fund arising from fines, forfeitures and penalties; and likewise for defraying the expenses of prosecutions for offences against the United States, and for safe keeping of prisoners, thirty thousand dollars.

For compensation to the Secretary of State, clerks and persons employed in that department, seven thousand seven hundred and ninety-two dollars and sixty-four cents.

For incidental and contingent expenses in the said department, eight thousand seven hundred and five dollars.

For compensation to the Secretary of the Treasury, clerks and per

sons employed in his office, eight thousand seven hundred and fifty dollars.

For expense of stationery, printing and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, eleven thousand seven hundred and fifty dollars.

For expense of stationery, printing and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer and clerks employed in his office, four thousand five hundred and fifty dollars.

For expense of firewood, stationery, printing, rent and other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks and persons employed in his office, eleven thousand eight hundred and twenty-five dollars.

For expense of stationery, printing and other contingent expenses in the Auditor's office, seven hundred and fifty dollars.

For compensation to the Commissioner of the Revenue, clerks and persons employed in his office, five thousand four hundred and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the office of the Commissioner of the Revenue, four hundred dollars.

For compensation to the Register of the Treasury, clerks and persons employed in his office, fifteen thousand four hundred and twenty-five dollars.

For expense of stationery, printing and all other contingent expenses in the Register's office, (including books for the public stocks, and for the arrangement of the marine papers,) two thousand eight hundred dollars.

For compensation to the purveyor of public supplies, two thousand dollars, and five hundred dollars for a clerk.

For compensation to the Secretary to the commissioners of the sinking fund, including his salary from the time of his appointment, to the thirty-first day of December, one thousand seven hundred and ninety-seven, four hundred and nineteen dollars and seventeen cents.

For the payment of rent for the several houses employed in the treasury department, (except the Treasurer's office,) two thousand six hundred and ninety-three dollars and thirty-three cents.

For expense of firewood and candles in the several offices of the Treasury department, (except the Treasurer's office) three thousand five hundred dollars.

For defraying the expense incident to the stating and printing the public accounts, for the year one thousand seven hundred and ninety-seven, one thousand dollars.

For the payment of certain incidental and contingent expenses of the Treasury department, in the year one thousand seven hundred and ninety-six, beyond the sum which was appropriated, one thousand five hundred dollars.

For compensation to the several loan officers, thirteen thousand two hundred and fifty dollars.

For clerk hire and stationery to the commissioners of loans, for the year one thousand seven hundred and ninety-seven, twelve thousand dollars.

For compensation to the Secretary of War, clerks and persons employed in his office, eight thousand dollars.

For expense of firewood, stationery, printing, rent and other contingent expenses of the office of the Secretary of War, two thousand dollars.

For compensation to the accountant to the War department, clerks

Specific appropriations for the support of government for 1797.

Specific appropriations for the support of government for 1797.

and persons employed in his office, seven thousand six hundred and fifty dollars.

For contingent expenses in the office of the accountant to the War department, six hundred dollars.

For compensation to the Surveyor General two thousand dollars.

For compensation to the assistant surveyors, chain-carriers, axe-men and other persons employed in carrying into effect the surveys to be made by the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river, twenty-five thousand dollars.

For compensation to the Governor, Secretary and Judges of the territory northwest of the river Ohio, five thousand one hundred and fifty dollars.

For expenses of stationery, office rent, printing patents for land, and other contingent expenses in the said territory, three hundred and fifty dollars.

For the payment of sundry pensions granted by the late government, one thousand one hundred and thirteen dollars and thirty-three cents.

1793, ch. 14. For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety three, seven hundred and fifty dollars.

1793, ch. 23. For the annual allowance for the education of Hugh Mercer, son of the late Major-general Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

Ante, p. 123. For defraying the expenses of foreign intercourse, for the year one thousand seven hundred and ninety-seven, beyond the annual appropriations authorized by the act of Congress, passed the first day of July, one thousand seven hundred and ninety, intituled "An act providing the means of intercourse between the United States and foreign nations," seventeen thousand nine hundred dollars.

For compensations to the following officers of the mint: The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the assayer, one thousand five hundred dollars; the chief coiner, one thousand five hundred dollars; the melter and refiner, one thousand five hundred dollars; the engraver, one thousand two hundred dollars; three clerks, one at seven hundred dollars, and two at five hundred dollars each, one thousand seven hundred dollars.

For the wages of persons employed in the mint, at the different branches of refining, melting, carpenter's, millwright's, and smith's work, including the sum of eight hundred dollars per annum, allowed to an assistant coiner and die-forger, who also oversees the execution of the iron work, seven thousand dollars.

For the payment of a deficiency which has arisen in the mint, in coining the precious metals, by reason of wastage, the sum of one thousand eight hundred and forty-five dollars and ninety-six cents; and for the payment of a deficiency which has arisen by reason of the loss of a quantity of silver, the further sum of nine hundred and seventy-four dollars and seventy-six cents.

For the purchase of ironmongery, lead, wood, coals, stationery, office furniture, and for all other contingencies for the establishment of the mint, seven thousand four hundred dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall be ascertained and admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, one thousand dollars.

For the maintenance and support of lighthouses, beacons, buoys, and

public piers, and stakeage of channels, bars and shoals, for the year one thousand seven hundred and ninety-seven, twenty-eight thousand five hundred dollars.

For completing a lighthouse on the island of Seguin, two thousand one hundred and seventy dollars.

For completing the payment due for building the lighthouse on Bald-head, North Carolina, one thousand three hundred and fifty-nine dollars and fourteen cents.

For completing a lighthouse on Montock-point, two thousand seven hundred and forty dollars and sixty-seven cents.

For the balance carried to the "Surplus Fund," of an appropriation for building a lighthouse on Montock-point, thirteen thousand dollars.

For extra clerkship, necessary for a part of the present year in the loan office, for consolidating the accounts of assumed and original debt, agreeable to the thirteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, two thousand five hundred dollars.

For the payment of the representatives of Samuel Patterson, late commissioner of the loan office for the state of Delaware, two hundred and seventy-two dollars and eighty-nine cents.

For the payment of a balance due to James O'Hara, late agent for the quartermaster's department, two hundred and thirty-five dollars and eighty-one cents.

For the payment of a balance due to Timothy Pickering, as commissioner appointed to hold the Indian treaties at Konondaigua and Oneida, three thousand four hundred and sixty-three dollars and twelve cents.

For compensation to persons employed in bringing votes to the seat of government, for electors of the President and Vice President of the United States, one thousand six hundred dollars.

For making good certain deficiencies arising from the balance of monies of various appropriations, being carried to the credit of the "Surplus Fund," in pursuance of the sixteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, viz:

For payment of the clerks employed by the commissioners of loans, for the states of Massachusetts, New York and North Carolina, for the quarter ending the thirtieth of March, one thousand seven hundred and ninety-five, seven hundred and eighty-nine dollars and seventy cents.

For the payment of a balance due to Timothy Pickering, Beverly Randolph, and Benjamin Lincoln, commissioners appointed to negotiate and treat with the Indians, northwest of the river Ohio, on the second day of March, one thousand seven hundred and ninety-three, three thousand two hundred and forty-seven dollars and fifty-six cents.

For the discharge of such miscellaneous demands against the United States, not otherwise provided for, as shall have been admitted in due course of settlement at the treasury, and which are of a nature, according to the usage thereof, to require payment in specie, four thousand dollars.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the fund of six hundred thousand dollars, reserved by the act "making provision for the debt of the United States;" together with so much as may be necessary, of the proceeds of the duties on imports, and the tonnage of ships and vessels, and the duties on domestic distilled spirits and stills, which shall accrue until the close of the present year.

APPROVED, March 3, 1797.

Specific appropriations for the support of government for 1797.

1795, ch. 45.

1795, ch. 45.

Ante, p. 138.

STATUTE II.

March 3, 1797.

[Obsolete.]

Compensation
to officers of the
revenue.

1799, ch. 22.

Compensation
to collectors.

CHAP. IX.—*An Act relative to the Compensations and Duties of certain Officers employed in the collection of impost and tonnage.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in lieu of the commissions heretofore established by law, there shall be allowed to the collectors of the duties of impost and tonnage, on all monies by them respectively received on account of the duties aforesaid, arising on tonnage, and on goods, wares and merchandise, imported after the last day of March in the present year, as follows, to wit:

To each of the collectors of the districts of Pennsylvania and New York, one quarter per cent.

To each of the collectors of the districts of Boston and Charlestown, and of Baltimore, one half per cent.

To each of the collectors of the districts of Charleston, Salem, and of Norfolk and Portsmouth, seven eighths of one per cent.

To each of the collectors of the districts of Alexandria, and Savannah, one per cent.

To the collector of the district of Newburyport, one and one fourth per cent.

To each of the collectors of the districts of Portsmouth, Portland, Newport, Providence and New Haven, one and one half per cent.

To each of the collectors of the districts of Georgetown, (in Maryland) and Marblehead, two and one half per cent.

To each of the collectors of the districts of New London, Biddeford, Bath and Wiscasset, two per cent.

And to each of the collectors of the districts of Tappahannock, Vermont, Champlain, Gloucester, Ipswich, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Penobscot, Frenchman's Bay, Machias, Passamaquoddy, Waldoborough, Middletown, Fairfield, Sagg Harbor, Hudson, Perth Amboy, Burlington, Bridgetown, Little Egg Harbor, Wilmington (in Delaware,) Havre-de-Grace, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Nanjemoy, Bermuda Hundred, Hampton, Yorktown, Yeocomico, Dumfries, Foley Landing, Cherrystone, Southquay, Kentucky, Wilmington, (North Carolina,) Newbern, Washington, Edenton, Camden, Georgetown, (South Carolina,) Beaufort, Sundbury, Brunswick, St. Mary's, Hardwick, and Tennessee, three per cent.

SEC. 2. *And be it further enacted,* That from and after the last day of March, in the present year, in lieu of the yearly allowances heretofore established by law, there shall be yearly allowed to the following officers, the sums following, to wit:

To each of the collectors of the districts of Annapolis, Havre-de-Grace, Gloucester, Southquay, Yeocomico, Tappahannock, Newbern, Edenton, Camden, Wilmington, (North Carolina,) Nanjemoy, Ipswich, York, Washington, Passamaquoddy, Saint Mary's, Vermont, Champlain, and Bermuda Hundred, the sum of two hundred and fifty dollars.

To each of the collectors of the districts of Oxford, Vienna, Chester, Sagg Harbor, Nottingham, Hampton, Yorktown, Dumfries, Foley Landing, Cherrystone, Beaufort, Brunswick and Hardwick, the sum of two hundred dollars.

To each of the collectors of the districts of Perth Amboy, Kentucky, Portsmouth, Hudson, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, Penobscot, Frenchman's Bay, Machias, Newport, Middletown, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Little Egg Harbor, Wilmington, (in Delaware,) Snowhill, Georgetown, (in South Carolina,) Sunbury, Tennessee, Marblehead, New Haven, and Georgetown, (in Maryland,) the sum of one hundred and fifty dollars.

To each of the collectors of Biddeford, Bath, and Wiscasset, one hundred dollars.

Compensation to collectors.

To the naval officer of the district of Portsmouth, two hundred dollars.

To each of the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington, (in North Carolina,) and Savannah, the sum of one hundred and fifty dollars.

Compensation to Naval Officers.

To each of the surveyors of Salem, Portsmouth, Newburyport, Bristol, Warren, East Greenwich, Saint Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburg, Wilmington, Beaufort, and Swansborough, the sum of two hundred and fifty dollars.

Compensation to Surveyors.

To each of the surveyors of Newport, Providence, Thomastown, Beverly, New Haven, Middletown, Hartford, Saybrook, Albany, Hudson, Lewellensburg, Portland, North Kingston, Powhatuck, Patuxet, New London, Stonington, Town Creek, Bermuda Hundred, West Point, Urbanna, Port Royal, Alexandria, Windsor, Hertford, Plymouth, Skewarky, Murfreesborough, Bennet's Creek, Winton, Nixonton, Newbiggen Creek, Pasquotank River, Indiantown, Currituck Inlet, Savannah, and New Brunswick, (in New Jersey,) the sum of one hundred and fifty dollars.

SEC. 3. *And be it further enacted*, That from and after the last day of March, in the present year, in lieu of the sum heretofore established by law, there shall be paid to each inspector, for every day he shall be employed in aid of the customs, a sum not exceeding two dollars; and that instead of the sum heretofore established by law, to be paid for the weighing of every one hundred and twelve pounds, in the districts of Pennsylvania and New York, there shall be paid one cent; in the districts of Boston and Charlestown, and of Baltimore, one cent and a quarter; and the weighers in the several districts shall defray all expense of labourers in weighing, and shall mark on each cask, box, bag, or package, the weight thereof, where the same is not less than three hundred pounds, if thereunto required by the owner, at the time of weighing.

Compensation to Inspectors.

To weighers.

SEC. 4. *And be it further enacted*, That from and after the last day of March, in the present year, all fees arising on the exportation of any goods, wares or merchandise, on which drawbacks are allowed, shall be equally shared among the collector, naval officer and surveyor, where there are such officers at the port where such fees are paid; to be accounted for, quarterly, by the collector or naval officer, who shall receive the same; and where there is no naval officer, such fees shall be divided equally between the collector and the surveyor, who may have been concerned in attending to such exportation. And the surveyors shall pay their proportion of the expense of stationery and printing.

Fees arising on exportation to be divided among collectors, naval officers and surveyors.

SEC. 5. *And be it further enacted*, That previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel, shall be paid at the office or offices where such fees are respectively payable; and receipts for the same shall be produced to the collector, or other officer, whose duty it may be to grant clearances, before such clearance is granted.

No vessel to clear out till fees are paid.

SEC. 6. *And be it further enacted*, That a surveyor be appointed for the port of New Brunswick, (in New Jersey,) to reside at New Brunswick. And the port of Marblehead shall hereafter be a port at which vessels arriving from beyond the Cape of Good Hope, may enter and unlade.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. X.—*An Act for raising a further sum of money, by additional duties on certain articles imported, and for other purposes.*

March 3, 1797.

[Obsole:e.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from

Additional
duty on certain
imports.

and after the thirtieth day of June next, the following duties, in addition to those now in force, and payable on the several articles herein after enumerated, shall be laid, levied and collected upon those articles, respectively, at their importation into the United States, from any foreign port or place, viz : upon all brown sugar, per pound, one half cent ; upon all bohea tea, per pound, two cents ; upon all molasses, per gallon, one cent ; and upon all velvets, and velverets, whether printed, stained, coloured, or otherwise, and upon all muslins and muslinets, and other cotton goods, not printed, stained or coloured, two and a half per centum, ad valorem.

Duty on cocoa
and sugar candy
varied.

SEC. 2. *And be it further enacted*, That from and after the said thirtieth day of June next, the duties now in force, and payable upon sugar candy, and cocoa, imported into the United States, shall cease ; and that, in lieu thereof, there shall thenceforth be levied and collected the following duty, viz : upon all sugar candy, at its importation into the United States, from any foreign port or place, nine cents per pound ; and upon all cocoa upon its importation as aforesaid, two cents per pound.

Ten per cent.
addition on im-
ports in foreign
vessels.

SEC. 3. *And be it further enacted*, That an addition of ten per centum, shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares and merchandise, as aforesaid, as shall, after the said last day of June next, be imported in ships or vessels, not of the United States.

How duties
shall be collect-
ed.

SEC. 4. *And be it further enacted*, That the duties laid by this act, shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment, respectively, with the several duties now in force on the respective articles herein before enumerated.

Drawbacks.

SEC. 5. *And be it further enacted*, That on account of the additional duties laid on brown sugar and molasses, by this act, the following sums, respectively, shall, from and after the last day of December next, be added to the drawbacks now allowed and paid by law on sugar refined within the United States, and exported therefrom, and on spirits distilled from molasses within the United States and exported therefrom, viz : on all sugar so refined and exported, one cent per pound ; and on all spirits so distilled and exported, one cent per gallon ; which additional drawbacks shall be allowed and paid according to the regulations now established by law, respecting the present drawbacks allowed on the said articles.

Appropriation
of duties.

SEC. 6. *And be it further enacted*, That the proceeds of the duties laid by this act, shall be solely appropriated to the following purpose ; that is to say : First, for the payment of the principal of the present foreign debt of the United States : Secondly, for the payment of the principal of the debt now due by the United States to the Bank of the United States.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

1792, ch. 32.

Repealed April
6, 1802.

Option respect-
ing certain du-
ties on distilled
spirits abolish-
ed.

CHAP. XI.—*An Act repealing in part, the "Act concerning the Duties on spirits distilled within the United States," passed the eighth of May, one thousand seven hundred and ninety-two ; and imposing certain Duties on the capacity of Stills of a particular description.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in respect to stills employed in distilling spirits from materials of the growth and produce of the United States, at any other place than a city, town or village, or at any distillery in a city, town, or village, at which there are one or more stills, which singly, if only one, or together, if more than one, are of less capacity than four hundred gallons, the option and alternative of paying a duty of seven cents for every gallon of spirits distilled

in such stills, as secured and allowed by the first section of the act, intituled "an act concerning the duties on spirits distilled within the United States, passed on the eighth day of May, one thousand seven hundred and ninety-two, be, and the same is hereby, declared to be abolished, from and after the thirtieth day of June, ensuing.

SEC. 2. *And be it further enacted*, That in lieu of the option and alternative aforesaid, the proprietor, or possessor of any such still or stills, as are above mentioned, shall and may, after the first day of July, ensuing, be charged with, and shall pay the following duties, to wit: For a license for the employment of each and every such still, for and during the term of two weeks, six cents per gallon, according to the capacity or content of every such still, including the head thereof: For a license, for and during the term of one month, ten cents per gallon, as aforesaid: For a license, for and during the term of two months, eighteen cents per gallon, as aforesaid: For a license, for and during the term of three months, twenty-four cents per gallon, as aforesaid: For a license, for and during the term of four months, thirty cents per gallon, as aforesaid: For a license, for and during the term of five months, thirty-six cents per gallon, as aforesaid: And for a license, for and during the term of six months, forty-two cents per gallon, as aforesaid.

Duties according to capacity of stills established.

SEC. 3. *And be it further enacted*, That upon the sale or transfer of any still licensed, according to this act, the right and privilege of using such still, during the time for which such license may remain in force, shall accrue to the new proprietor, or possessor, due entry of the sale or transfer being previously made, with the proper officer of inspection.

Transfers.

SEC. 4. *And be it further enacted*, That every distiller, as aforesaid, who shall commence any distillation, prior to obtaining a license therefor, shall pay a duty equal to that demandable, in consequence of a license for six months; and no new license shall be granted for any still, until all duties, which have accrued thereon, shall have been paid and discharged.

Penalty for distilling without license.

SEC. 5. *And be it further enacted*, That the several provisions and clauses of the acts heretofore passed, and remaining in force, for laying, securing, and collecting duties on spirits distilled within the United States, and on stills; for regulating the exportation of such spirits, and for making an allowance to the exporters of the same, by way of drawback, shall extend to, and remain in full force, with respect to the several provisions and clauses of this act, subject only to the alterations hereby made.

Drawbacks.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. XII.—*An Act authorizing the President of the United States to apply a further sum to the expense of Negotiations with the Dey and Regency of Algiers.*

March 3, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized to apply a sum, not exceeding two hundred and eighty thousand two hundred and fifty-nine dollars and three cents, to the expenses which may have been incurred in any negotiations with the Dey and Regency of Algiers, beyond the sums heretofore appropriated; and that the said sum of two hundred and eighty thousand two hundred and fifty-nine dollars and three cents, be, and the same is hereby appropriated for that purpose.

[Obsolete.]
Appropriation for negotiations with Algiers.

SEC. 2. *And be it further enacted*, That a further sum, not exceeding ninety-six thousand two hundred and forty-six dollars and sixty-three cents, be, and the same is hereby appropriated for discharging the two first years' annuity to the Dey and Regency of Algiers, pursuant to

To pay annuity.

treaty, in addition to the sum appropriated for that purpose, by the act of the sixth of May, one thousand seven hundred and ninety-six.

SEC. 3. *And be it further enacted*, That the said several sums shall be paid and discharged out of any monies arising from the revenues of the United States, beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-seven.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XIII.—*An Act to provide for mitigating or remitting the Forfeitures, Penalties and Disabilities accruing in certain cases therein mentioned.* (a)

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever any person or persons, who shall have incurred any fine, penalty, forfeiture or disability, or shall have been interested in any vessel, goods, wares or merchandise, which shall have been subject to any seizure, forfeiture, or disability, by force of any present or future law of the United States, for the laying, levying or collecting any duties or taxes, or by force of any present or future act, concerning the registering and recording of ships or vessels, or any act concerning the enrolling and licensing ships or vessels employed in the coasting trade or fisheries, and for regulating the same, shall prefer his petition to the judge of the district, in which such fine, penalty, forfeiture, or disability shall have accrued, truly and particularly setting forth the circumstances of his case; and shall pray, that the same may be mitigated or remitted, the said judge shall inquire, in a summary manner into the circumstances of the case; first, causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney of the United States, for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon, have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without wilful negligence, or any intention of fraud in the person or persons incurring the same; and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just.

1814, ch. 14.

Courts of the states have the same power as district courts.

SEC. 2. *And be it further enacted*, That the judicial courts of the several states, to whom, by any of the said acts, a jurisdiction is given, shall and may exercise all and every power in the cases cognizable before them, for the purpose of obtaining a mitigation, or remission of any fine, penalty or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them.

Rights of individuals not to be affected in cases where a prosecution shall have been

SEC. 3. *Provided always, and be it further enacted*, That nothing herein contained, shall be construed to affect the right or claim of any person, to that part of any fine, penalty, or forfeiture, incurred by the breach of any of the laws aforesaid, which such person shall, or may be entitled to, by virtue of the said laws in cases where a prosecution has been commenced, or information has been given, before the passing of

(a) The remission of a forfeiture or penalty by the Secretary of the Treasury, accruing under the revenue laws, under the remission act of March 3, 1797, before the final judgment, and until the actual payment over to the collector for distribution of the money arising from such forfeiture, extends to the shares of the forfeiture or penalty to which the officers of the customs are entitled, as well as to the interests of the United States. *United States v. Morris*, 10 Wheat. 246; 6 Cond. Rep. 90. *United States v. Lancaster*, 4 Wash. C. C. R. 64. *McLane v. The United States*, 6 Peters, 404.

this act, or any other act relative to the mitigation or remission of such fines, penalties, or forfeitures; the amount of which right and claim shall be assessed and valued by the proper judge, or court, in a summary manner.

SEC. 4. *And be it further enacted*, That this act shall continue in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, March 3, 1797.

commenced or information given.

Limitation.
Repealed 1800,
ch. 6.

STATUTE II.

CHAP. XIV.—*An Act to authorize the receipt of evidences of the Public Debt, in payment for the Lands of the United States.*

March 3, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the evidences of the public debt of the United States, shall be receivable in payment for any of the lands which may be hereafter sold in conformity to the act, intituled "An act providing for the sale of the lands of the United States, in the territory northwest of the river Ohio, and above the mouth of Kentucky river," at the following rates, viz.: the present foreign debt of the United States, and such debt, or stock, as, at the time of payment, shall bear an interest of six per centum per annum, shall be received at their nominal value; and the other species of debt, or stock, of the United States, shall be received at a rate bearing the same proportion to their respective market price, at the seat of government, at the time of payment, as the nominal value of the above mentioned six per centum stock shall, at the same time, bear to its market price at the same place; the Secretary of the Treasury, in all cases, determining what such market price is.

[Obsolete.]
Stock of the
United States
received in pay-
ment for west-
ern lands.

Ante, p. 464.

APPROVED, March 3, 1797.

STATUTE II.

CHAP. XV.—*An Act to alter the time for the next meeting of Congress.*

March 3, 1797.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after the end of the present session, the next meeting of Congress shall be on the first Monday of November, in the present year.

APPROVED, March 3, 1797.

[Obsolete.]

STATUTE II.

CHAP. XVI.—*An Act to amend and repeal, in part, the Act intituled "An Act to ascertain and fix the Military Establishment of the United States."*

March 3, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the third section of the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, intituled "An act to ascertain and fix the military establishment of the United States," together with all other parts thereof which relate to provision made for the major general and his staff, be repealed; and that all such parts of the said act, together with so much of the twenty-third section, as may be construed to affect the Brigadier, and the whole of the eleventh section of the said act be, and are hereby repealed.

[Repealed.]
Act of May 30,
1796, ch. 39.
Certain sec-
tions repealed.

SEC. 2. *And be it further enacted*, That there shall be one brigadier general, who may choose his brigade major and inspector, from the captains and subalterns in the line, (to each of whom there shall be allowed the monthly pay of twenty-five dollars, in addition to his pay in the line, and two rations extraordinary per day; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.) That there shall be one judge advocate, who shall be taken from the

Brigadier Gen-
eral.
Inspector.

See p. 557, post.

Judge advocate.

Quarter master and paymaster general.

Pay of lieutenants and ensigns.

Subsistence allowed to majors.

Allowance to officers deranged.

Ante, p. 483.

commissioned officers of the line, and shall be entitled to receive two rations extra per day, and twenty-five dollars per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to ten dollars per month in lieu thereof.

SEC. 3. *And be it further enacted*, That there shall be one quartermaster general and one paymaster general, who shall receive the same pay and emoluments, respectively, which those officers have heretofore been allowed by law.

SEC. 4. *And be it further enacted*, That from and after the thirtieth day of June next, the monthly pay of the lieutenants shall be thirty dollars, and that of the ensigns twenty-five dollars: That to the brigadier, while commander in chief, and to each officer, while commanding a separate post, there shall be allowed twice the number of rations to which they would otherwise be entitled.

SEC. 5. *And be it further enacted*, That the majors be entitled to receive four rations per day, for their subsistence.

SEC. 6. *And be it further enacted*, That to each commissioned officer, who may have been deranged under the act "to ascertain and fix the military establishment of the United States," there shall be paid the amount of six months' pay and subsistence.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

[Obsolete.]

Military appropriations for 1797.

CHAP. XVII.—*An Act making appropriations for the Military and Naval establishments for the year one thousand seven hundred and ninety-seven.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the support of the military and naval establishments, for the year one thousand seven hundred and ninety-seven, the following sums be respectively appropriated; that is to say:

For the pay of the army of the United States, the sum of two hundred and fifty-six thousand four hundred and fifty dollars.

For the subsistence of the officers of the army, a sum not exceeding forty-seven thousand three hundred and ninety-five dollars.

For the subsistence of the non-commissioned officers and privates, a sum not exceeding two hundred and forty-five thousand two hundred and eighty-three dollars.

For forage, the sum of fourteen thousand nine hundred and four dollars.

For clothing, a sum not exceeding eighty-three thousand and fifty dollars.

For the purchase of horses and equipments for the cavalry, sixteen thousand and eighty-five dollars.

For the hospital department, a sum not exceeding ten thousand dollars.

For the ordnance department, a sum not exceeding forty thousand dollars.

For the fortifications of the ports and harbors of the United States, a sum not exceeding twenty-four thousand dollars.

For the quartermaster's department, the Indian department, the defensive protection of the frontiers, bounties, and all the contingent expenses of the war department, a sum not exceeding three hundred thousand dollars.

To make good deficiencies in the appropriations in the military establishment, for the year one thousand seven hundred and ninety-six, the sum of seventy six thousand three hundred and twelve dollars.

For the pay and subsistence of three captains in the naval department, and for the pay of laborers employed in taking care of the frigates, the sum of five thousand dollars.

For finishing the frigates United States, Constitution, and Constellation, the sum of one hundred and seventy-two thousand dollars.

For the payment of military pensions, including an allowance to the widows and children of officers, under an act, intituled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States," the sum of ninety-six thousand three hundred and fifty dollars.

To satisfy and discharge claims for militia services on the frontiers of Georgia, the sum of seventy thousand four hundred and ninety-six dollars and thirty-five cents: for militia services on the frontiers of Kentucky, three thousand eight hundred and thirty-six dollars and seventy-six cents; and for militia services on the frontiers of South Carolina, the sum of forty-eight thousand four hundred dollars and twenty-five cents.

For the payment of general John Sevier and his brigade, for services in the year one thousand seven hundred and ninety-three, the sum of twenty-two thousand eight hundred and sixteen dollars and ninety-five cents.

For the payment of six months' pay and subsistence to each of the officers discharged under the act "to ascertain and fix the military establishment of the United States," a sum not exceeding three thousand dollars; which sums shall be solely applied to the objects for which they are respectively appropriated.

SEC. 2. *And be it further enacted*, That the several appropriations herein before made, shall be paid and discharged out of the surplus of revenue and income beyond the appropriations heretofore charged thereon, to the end of the present year.

APPROVED, March 3, 1797.

Military appropriations for 1797.

1794, ch. 52.

1796, ch. 39.

STATUTE II.

CHAP. XVIII.—*An Act to suspend, in part, the Act, intituled "An act to alter and amend the Act, intituled An Act laying certain Duties upon Snuff and refined Sugar," and to grant relief in certain cases arising under the said Act.*

March 3, 1797.

[Obsolete.]

Act laying duty on snuff repealed.

1795, ch. 43.

1798, ch. 80.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act to alter and amend the act, intituled An act laying certain duties upon snuff and refined sugar," as respects the duties therein laid upon mills and implements employed in the manufacture of snuff, and the drawbacks therein allowed, upon the exportation of snuff manufactured within the United States, be suspended, from the passing of this act, until the end of the next session of Congress.

SEC. 2. *And be it further enacted*, That in all cases of licenses granted under the said act, where, by failure of water, or other casualty, occurring to the mill or mills, or to the implements or to the proprietor, or other person licensed, the use and benefit of such license has been lost, or considerably interrupted, and the duties thereon required or paid, may be considered as peculiarly unequal and injurious, the Secretary of the Treasury, upon due representation and proof of such case, shall be, and hereby is authorized to cause to be refunded or remitted, such part of the duties paid, or secured on such license, as shall appear just and reasonable, under the circumstances of the case, and having regard to the loss, injury, or peculiar hardship sustained as aforesaid.

APPROVED, March 3, 1797.

Relief granted in certain cases.

STATUTE II.

CHAP. XIX.—*An Act in addition to the act intituled "An act to establish the Post-Office and Post Roads within the United States."*

March 3, 1797.

1794, ch. 23.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the

Post roads discontinued.

1799, ch. 43.

Post roads established.

following post roads be discontinued, namely: from Blue-hill, in Maine, to Penobscot, Frankfort and Belfast; from Bardstown, in Kentucky, to Nashville, in Tennessee; from Taunton to Providence; from Bethlehem, by Reading, to Lancaster; from Elkton to Warwick; from Georgetown to Cheraw Courthouse; from Bethlehem to Wilkesbarre; from Plymouth to Windsor; from Winton, by the bridge on Bennett's creek, to R. Mitchell's; from Mecklenburg to Halifax Courthouse; from Richmond, by Newcastle, to Aylett's Warehouse; from Morgantown, by Lincolntown, to Pinckney Courthouse; from Springfield, by Northampton, Brattleborough and Charleston, by Windsor, in Vermont, to Hanover.

SEC. 2. *And be it further enacted*, That the following be established as post roads, namely: from Blue-hill, in Maine, through Castine, Penobscot, Buckston, Frankfort and Prospect, to Belfast; from Hallowell, in Maine, to Farmington, on Sandy river; from Portland, in Maine, by Falmouth, Gorham, Buxton and Standish, to Limerick; from Berwick, in Maine, through Lebanon, Shapleigh and Parsonfield, to Limerick; from Standish, by Flintstown, to Fryburg academy; from Sandwich, by Tamworth and Conway, in New Hampshire, to Fryburg, in Massachusetts; from Portsmouth to Dover, in New Hampshire; from Newburyport to Haverhill; and from Haverhill, by Kingston, Exeter, Newmarket and Durham, to Dover; from Yarmouth, by Dennis, Harwich and Chatham, to Truro; from Worcester, in Massachusetts, by Petersham and Northfield, to Brattleborough, in Vermont; from Newport, in Rhode Island, through Taunton, Norton, Mansfield and Sharon, to Boston; from Boston, through Charlestown, Medford, Woburn, Billerica, Chelmsford and Tyngsborough, in Massachusetts, to Amherst, in New Hampshire; from Windsor, in Vermont, by Royalton, Randolph, Williamston and Montpelier, to Burlington; from New Haven, in Connecticut, by such route as the postmaster shall deem expedient, to Litchfield and Sheffield, in Massachusetts; from New York, by Whiteplains, Bedford, Frederickstown, Dover, Sharon, Sheffield, Stockbridge, Pittsfield and Williamston, to Bennington, in Vermont; from Lansingburg, in New York, by Waterford, Stillwater, Fort Edward, Whitehall landing, and Fairhaven, to Rutland, in Vermont; from New York to Hackensack, Paramus, New Antrim, thence to Chester and Goshen; from Lansingburg, by Salem, Fairhaven, Vergennes and Bason harbor, to Plattsburg; from Plattsburg to Pliny Moore's in the town of Champlain; from Schenectady, by Ballston Springs and Glen's bridge, to Sandy-hill; from Old Fort Schuyler, in New York, by Cincinnatus, to Oxford academy, on the Chenango; from Rome, in the state of New York, to Rotterdam, on the Oneida Lake; from Philadelphia to Tuckerton, in New Jersey; from Bristol, in Pennsylvania, to Burlington, in New Jersey; from Bethlehem, by Easton, to Wilkesbarre, in Pennsylvania; from Harrisburg, upon the east side of the Susquehanna river, to Clark's Ferry at Petersburg, by Millerstown, Thompson-town, Mifflintown, Lewistown, and Huntingdon, to Alexandria; from thence, by Center Furnace and Bellefont, to Milesburg, on the Bald Eagle river, at the mouth of Spring Creek; from thence, by Aaronsburg, Mifflinburg, Lewisburg (Deerston) and Northumberland, to Sunbury, and from thence down the east side of the Susquehanna river, to Harrisburg; from Somerset, through Connelville, to Uniontown, and from Bedford, in Pennsylvania, the mail shall be carried through Somerset, to Greensburg, after the expiration of the present contract for carrying the mail; from Baltimore, by Ellicott's lower mills, Montgomery Courthouse and Charlesburg, to Leesburg, in Virginia; from Morgantown, in Virginia, to Clarksburg, in Harrison county; from Leesburg, by Middleburg, in Loudoun county, by Fauquier Courthouse, to Culpeper Courthouse; from Petersburg, by Sussex Courthouse, and Southampton Courthouse,

to South Quay; from Richmond, by Hanover-town, to Aylett's Warehouse; from Todd's bridge to King and Queen Courthouse; from Halifax Courthouse, in Virginia, by Danville, to Caswell Courthouse, in North Carolina; from Newbern to Beaufort and Swansborough, the mail to go alternately; and from Wilmington, in North Carolina, by Georgetown, to Charleston, in South Carolina; from Jonesburg, in North Carolina, by Northwest River Bridge, Great Bridge, and Kempsville, to Norfolk; from Elizabeth city, in North Carolina, by New Lebanon, to Northwest River Bridge; from Morgantown, by Rutherfordton, to Spartan Courthouse, in South Carolina, and from Charlotte, by Lincolnton, to Iredell; from Bethania, in North Carolina, by Grayson Courthouse, to Wythe Courthouse, in Virginia; from Mecklenberg Courthouse, to return by Lunenburg Courthouse and Edmonds's store, to Goldson's; from Augusta, in Georgia, by Robison's at the White Ponds and Gillett's mill, to Coosawhatchie, in South Carolina; from Moffet's store, in Tennessee, to Danville, in Kentucky; from Knoxville, by Southwest Point, and Fort Blount, to Nashville; from Winton, by Windsor, to Edenton; from Murfreesborough, by South Quay, to Suffolk, in Virginia; from Fayetteville to Pittsburg, in Chatham county; from Nottingham to Lower Marlborough, in Maryland; from Benedict to Chaptico, by Charlottehall academy; from Allensfresh, in Maryland, by Laidlor's Ferry, to Port Conway, in Virginia; from Waynesborough to Louisville, by Georgetown to Rock landing, in Georgia; from Kandauigwa, in the state of New York, to Niagara; from Suffield, in Connecticut, by Northampton, Brattleborough and Charlestown, by Windsor, in Vermont, to Hanover; from Springfield, by West Springfield, to Northampton; and that the route of the mail, from Easton, on the Eastern Shore of Maryland, to Vienna, shall be through Newmarket.

Post roads established.

SEC. 3. *And be it further enacted*, That the postmaster general be authorized to expend, for clerk hire, a sum not exceeding five hundred dollars, in addition to the sum heretofore allowed; and that he be authorized to charge the United States with two hundred and seventy-one dollars and fifty-two cents, for the occasional hire of extra clerks, from the first of January to the thirty-first of December, one thousand seven hundred and ninety-six.

Allowance to postmaster general for clerk hire.

SEC. 4. *And be it further enacted*, That from and after the passing of this act, every person who shall procure, aid, advise or assist in the doing or perpetration of any of the crimes, or acts, forbidden to be done or perpetrated by the act, intituled, "An act to establish the post-office and post roads within the United States," shall be subject to the same punishments and penalties as the persons are subject, who shall actually do, or perpetrate any of the acts or crimes forbidden by the said act.

Accessories punishable.

1794, ch. 23.

SEC. 5. *And be it further enacted*, That from and after the thirty-first day of March, of the present year, instead of the compensation heretofore allowed by law to the deputy postmasters, the postmaster general be hereby authorized to allow to the deputy postmasters, respectively, such commission on the monies arising from the postages of letters and packets, as shall be adequate to their respective services and expenses: *Provided*, the said commission shall not exceed thirty per cent. on the first hundred dollars collected in one quarter, and twenty-five per cent. on a sum over one hundred, and not more than three hundred dollars; and twenty per cent. on any sum over four hundred and not exceeding two thousand dollars; and eight per cent. on any sum collected, being over two thousand four hundred dollars; except to the deputy postmasters, who may be employed in receiving and dispatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars, in one quarter; and excepting, to the deputy postmasters, at offices where the mail is regularly to arrive between the hours of nine o'clock at night, and five o'clock in the morning; whose commission, on the

Compensation to deputy postmasters.

first hundred dollars, collected in one quarter, may be increased to a sum not exceeding fifty per cent. The postmaster general may allow to the deputy postmasters, respectively, a commission of fifty per cent. on the money arising from the postages of newspapers, magazines and pamphlets; and to the deputy postmasters, whose compensations shall not exceed five hundred dollars, in one quarter, two cents for every free letter delivered out of the office, excepting such as are for the deputy postmaster himself: *Provided*, that the authority given by this section to the postmaster general, to regulate the commissions to be allowed to the deputy postmasters, shall continue in force until the thirty-first day of March, one thousand seven hundred and ninety-eight, and no longer: And that it shall be his duty, to report to the said session, the respective commissions which he shall have allowed, by virtue of the authority herein given.

1798, ch. 24.

Regulations
respecting
newspapers.

SEC. 6. *And be it further enacted*, That no newspapers shall be received by the deputy postmasters, to be conveyed by post, unless they are sufficiently dried and enclosed in proper wrappers, on which, besides the direction, shall be noted the number of papers, which are enclosed for subscribers, and the number for printers: The deputy postmasters shall form all newspapers deposited in their offices, to be conveyed by post, into mails; and if any deputy postmaster shall open, or permit any mail of newspapers not directed to his office, to be opened, he shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding twenty dollars; and any other person, who shall open such mail of newspapers, on conviction thereof, shall forfeit a sum not exceeding twenty dollars, for every such offence: *Provided*, that when mails are directed to places where no post-office is kept, they may be opened at the post-office most convenient to such place, and may also be opened, where the direction is effaced.

SEC. 7. *And be it further enacted*, That this act shall not be construed to affect any existing contracts.

Postmaster
general to re-
port to Congress
concerning cer-
tain roads.

SEC. 8. *And be it further enacted*, That it shall be the duty of the postmaster general, to report annually to Congress, every post-road, which shall not, after the second year, from its establishment, have produced one third of the expense of carrying the mail on the same.

Letters to
George Wash-
ington to be
free.

SEC. 9. *And be it further enacted*, That all letters and packets to George Washington, now President of the United States, after the expiration of his term of office, and during his life, shall be received and conveyed by post free of postage.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

Act of March
3, 1817, ch. 45.

Revenue officer or other person not paying public money, to be sued, to forfeit commissions, and to pay interest.

CHAP. XX.—*An Act to provide more effectually for the Settlement of Accounts between the United States, and Receivers of public Money.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any revenue officer, or other person accountable for public money, shall neglect or refuse to pay into the treasury, the sum or balance reported to be due to the United States, upon the adjustment of his account, it shall be the duty of the comptroller, and he is hereby required to institute suit for the recovery of the same, adding to the sum stated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced, and judgment obtained thereon, and an interest of six per cent. per annum, from the time of receiving the money, until it shall be repaid into the treasury.

SEC. 2. *And be it further enacted*, That in every case of delinquency, where suit has been, or shall be instituted, a transcript from the books and proceedings of the treasury certified by the register, and authenticated under the seal of the department, shall be admitted as evidence,

and the court trying the cause, shall be thereupon authorized to grant judgment, and award execution, accordingly. And all copies of bonds, contracts, or other papers relating to, or connected with the settlement of any account between the United States and an individual, when certified by the register to be true copies of the originals on file, and authenticated under the seal of the department, as aforesaid, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit, which would be due to the original papers, if produced and authenticated in court: *Provided*, That where suit is brought upon a bond, or other sealed instrument, and the defendant shall plead "*non est factum*," or upon motion to the court, such plea or motion being verified by the oath or affirmation of the defendant, it shall be lawful for the court to take the same into consideration, and (if it shall appear to be necessary for the attainment of justice) to require the production of the original bond, contract or other paper specified in such affidavit.(a)

A transcript of the books of the Treasury to be evidence.

Original contract to be produced in certain cases.

(a) The decisions of the courts of the United States on Treasury statements, transcripts and documents, have been:

An account stated at the treasury department, which does not arise in the ordinary mode of doing business in that department, can derive no additional validity from being certified under the act of Congress. A treasury statement can only be regarded as establishing items for moneys disbursed through the ordinary channels of the department, where the transactions are shown by its books. In these cases the officers may well certify, for they must have official knowledge of the facts stated. *United States v. Buford*, 3 Peters, 29.

But when moneys come into the hands of an individual, not through the officers of the treasury, or in the regular course of official duty, the books of the treasury do not exhibit the facts, nor can they be officially known to the officers of the department. In such a case the claim of the United States for money thus in the hands of a third person must be established, not by a treasury statement, but by the evidence on which that statement was made. *Ibid*.

Action of debt on a bond executed by Alpha Kingsley, a paymaster in the army, and by John Smith, T. and another, as his sureties, to the United States. The condition of the obligation was, that Alpha Kingsley, "about to be appointed a district paymaster," &c. "and who will, from time to time, be charged with funds to execute and perform the duties of that station, for which he will be held accountable," &c. shall "well and truly execute the duties of district paymaster, and regularly account for all moneys placed in his hands to carry into effect the object of his appointment." On the trial the plaintiff gave in evidence a duly certified copy of the bond, and a "transcript from the books and proceedings of the treasury department, of the account of Alpha Kingsley, late district paymaster, in account with the United States." In this account A. K. was charged with moneys advanced to him for pay, subsistence, and forage, bounties and premiums, and contingent expenses of the army; and credited with disbursements of the same, for the purposes for which they were paid to him, and showing a large amount of items suspended and disallowed; making a balance due to the United States of forty-eight thousand four hundred and ninety-two dollars and fifty-three cents. The account was thus settled by the third auditor of the treasury, and was duly certified to the second comptroller of the treasury, and this balance was by him admitted and certified on the 23d of April, 1823. The account was further certified, "Treasury department, third auditor's office, 1st of September, 1824: pursuant to an act to provide for the prompt settlement of public accounts, approved 3d of March, 1817, I, Peter Hagner, third auditor, &c. do hereby certify that the foregoing transcripts are true copies of the originals, on file in this office." To this was annexed a certificate that Peter Hagner was the third auditor, &c. "In testimony whereof I, William H. Crawford, secretary of the treasury, have hereunto subscribed my name, and caused to be affixed the seal of this department, at the city of Washington, this 1st of September, 1824. (Signed) Edward Jones, chief clerk, for William H. Crawford, secretary of the treasury." The seal of the treasury department was affixed to the certificate. On the trial, the district court of Missouri instructed the jury, that "as by the account it appears there are in it items of debit and credit to Kingsley, as district paymaster, it furnished evidence of his having acted as district paymaster, and of his appointment as such." By the court—There are two kinds of transcript which the statute authorizes the proper officers to certify: first, a transcript from "the books and proceedings of the treasury," and secondly, "copies of bonds, contracts, and other papers, &c., which remain on file, and relate to the settlement." The certificate under the first head has been literally made in this case, and is a sufficient authentication of the transcript from "the books and proceedings of the treasury," and is a substantial compliance with the requisitions of the statute. *Smith v. The United States*, 5 Peters, 292.

Nothing done at the treasury, which did not fall within the scope of the authority of the accounting officers, in settling accounts, can be received in evidence. In the case of the *United States v. Buford*, 3 Peters, 29, it was held by the supreme court, that an account stated at the treasury department, which does not arise in the ordinary mode of doing business in that department, can derive no additional validity from being certified under the act of Congress. Such statements at the treasury can only be regarded as establishing items for moneys disbursed through the ordinary channels of the department, when the transactions are shown by its books. *Cox and Dick v. The United States*, 6 Peters, 202.

A treasury transcript, produced in evidence by the United States, in an action on a bond for the performance of a contract for the supply of rations to the troops of the United States, contained items of charge which were not objected to by the defendant. The defendant objected to the following items, as not proved by the transcript: "February 19, 1818, for warrant 1680, favour of Richard Smith, dated December 27, 1817, and February 11, 1818, twenty thousand dollars." And on the 11th of April, of the same year, another charge was made "for warrant No. 1904, for the payment of his two drafts, favour of

Judgment to be rendered at return term, except in certain cases.

SEC. 3. *And be it further enacted*, That where suit shall be instituted against any person or persons indebted to the United States, as aforesaid, it shall be the duty of the court where the same may be pending, to grant judgment at the return term, upon motion, unless the de-

Alexander M'Cormick, dated March 11, and 17, 1811, for ten thousand dollars." And on the 14th of May, of the same year, a charge was made "for warrant No. 2038, being in part for a bill of exchange in favour of Richard Smith, for twenty thousand dollars, twelve thousand eight hundred and thirty-two dollars and seventy-eight cents." And one other warrant was charged June 22d, "for a bill of exchange in favour of Richard Smith, dated June 22, 1810, four thousand dollars; and also a warrant to Richard Smith, per order, for eight thousand dollars." These items, the circuit court instructed the jury, were not sufficiently proved, by being charged in the account, and certified under the act of Congress. By the Court—The officers of the treasury may well certify facts which come under their official notice, but they cannot certify those which do not come within their own knowledge. The execution of bills of exchange and orders for money on the treasury, though they may be "connected with the settlement of an account," cannot be officially known to the accounting officers. In such cases, however, provision has been made by law, by which such instruments are made evidence, without proof of the handwriting of the drawer. The act of Congress of the 3d of March, 1797, makes all copies of papers relating to the settlement of accounts at the treasury, properly certified, when produced in court annexed to the transcript, of equal validity with the originals. Under this provision, had copies of the bills of exchange and orders, on which these items were paid to Smith and M'Cormick, been duly certified and annexed to the transcript, the same effect must have been given to them by the circuit court, as if the original had been produced and proved. And every transcript of accounts from the treasury, which contains items of payments made to others, on the authority of the person charged, should have annexed to it a duly certified copy of the instrument which authorized such payments. And so, in every case, where the government endeavours by suit, to hold an individual liable for acts of his agent. The agency, on which the act of the government was founded, should be made to appear by a duly certified copy of the power. The defendant would be at liberty to impeach the evidence thus certified; and, under peculiar circumstances of alleged fraud, a court might require the production of the original instrument. This, however, would depend upon the exercise of the discretion of the court, and could only be enforced by a continuance of the cause until the original should be produced. *United States v. Jones*, 8 Peters, 375.

The following item in the treasury transcript was not admissible in evidence: "To accounts transferred from the books of the second auditor for this sum, standing to his debit, under said contract, on the books of the second auditor, transferred to his debit on those of this officer, forty-five thousand dollars." The act of Congress, in making a "transcript from the books and proceedings of the treasury" evidence, does not mean the statement of an account in gross, but a statement of the items, both of the debits and credits, as they were acted upon by the accounting officers of the department. On the trial, the defendant shall be allowed no credit on vouchers, which have not been rejected by the treasury officers, unless it was not in his power to have produced them; and how could a proper effect be given to this provision, if the credits be charged in gross? The defendant is unquestionably entitled to a detailed statement of the items which compose his account. *Ibid.*

The defendant, in an action by the United States, where a treasury transcript is produced in evidence by the plaintiffs, is entitled to the credits given to him in the account; and in claiming those credits, he does not waive any objection to the items on the debit side of the account. He is unquestionably entitled to the evidence of the decision of the treasury officers upon his vouchers, without reference to the charges made against him. And he may avail himself of that decision, without, in any degree, restricting his right to object to any improper charge. The credits were allowed the defendant on the vouchers alone, and without reference to the particular items of demand which the government might have against him. And the debits, as well as the credits, must be established on distinct and legal evidence. *Ibid.*

The law has prescribed the mode by which treasury accounts shall be made evidence, and whilst an individual may claim the benefit of this rule, the government can set up no exemption from its operation. In the performance of their official duty, the treasury officers act under the authority of law; their acts are public, and affect the rights of individuals as well as those of the government. In the adjustment of an account, they sometimes act judicially, and their acts are all recorded on the books and files of the treasury department. So far as they act strictly within the rules prescribed for the exercise of their powers, their decisions are, in effect, final; for if an appeal be made, they will receive judicial sanction. Accounts, amounting to many millions annually, come under the action of these officers. It is, therefore, of great importance to the public, and to individuals, that the rules by which they exercise their powers, should be fixed and known. *Ibid.*

In every treasury account on which suit is brought, the law requires the credits to be stated as well as the debits. These credits the officers of the government cannot properly either suppress or withhold. They are made evidence in the case, and were designed by the law for the benefit of the defendant. *Ibid.*

O. made a contract with the government to supply the troops of the United States with rations within a certain district, and executed a bond and contract agreeably to the usages of the war department. The United States brought an action against O. on the bond, and gave in evidence the contract annexed to the bond, and a treasury statement, which showed a balance against O. The United States also gave in evidence another transcript to prove that O., under a previous account, had been paid a balance of nineteen thousand one hundred and forty-nine dollars and one cent, stated to be due to him, which was paid to his agent, under power of attorney, and the receipt for the same endorsed on the back of the account. The circuit court instructed the jury, that the second transcript was not evidence, per se, to establish the items charged to O. Held, that there was no error in this instruction. *United States v. Jones*, 8 Peters, 387.

The circuit court, on the prayer of the defendant, instructed the jury, that the transcript from the books and proceedings of the treasury, can only be regarded as establishing such of the items of debit, in the account stated in the said transcript, as are for moneys disbursed through the ordinary channels of the treasury department, where the transactions are shown by its books, and where the officers of the department must have had official knowledge of the facts stated: but that the transcript is evidence for the

defendant shall, in open court, (the United States attorney being present) make oath or affirmation, that he is equitably entitled to credits which had been, previous to the commencement of the suit, submitted to the consideration of the accounting officers of the treasury, and rejected; specifying each particular claim, so rejected in the affidavit; and that he cannot then come safely to trial. Oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance, until the next succeeding term, may be granted; but not otherwise, unless as provided in the preceding section.

SEC. 4. *And be it further enacted*, That in suits between the United States and individuals, no claim for a credit shall be admitted, upon trial, but such as shall appear to have been presented to the accounting officers of the treasury, for their examination, and by them disallowed, in whole or in part, unless it should be proved, to the satisfaction of the court, that the defendant is, at the time of trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit, at the treasury, by absence from the United States, or some unavoidable accident.

SEC. 5. *And be it further enacted*, That where any revenue officer, or other person hereafter becoming indebted to the United States, by bond or otherwise, shall become insolvent, or where the estate of any deceased debtor, in the hands of executors or administrators, shall be insufficient to pay all the debts due from the deceased, the debt due to the United States shall be first satisfied; and the priority hereby established shall be deemed to extend, as well to cases in which a debtor, not having sufficient property to pay all his debts, shall make a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor, shall be attached by process of law, as to cases in which an act of legal bankruptcy shall be committed. (a)

SEC. 6. *And be it further enacted*, That all writs of execution upon any judgment obtained for the use of the United States, in any of the courts of the United States in one state, may run and be executed in any other state, or in any of the territories of the United States, but shall be issued from, and made returnable to the court where the judgment was obtained, any law to the contrary notwithstanding.

SEC. 7. *And be it further enacted*, That nothing in this act shall be construed to repeal, take away, or impair any legal remedy or remedies

No credit to be admitted unless presented to the Treasury or out of the power of the party to do it.

In all cases of insolvency, the debt due to the United States shall be first paid.

Prior legal remedies not to be impaired.

defendant of the full amount of the credits therein stated; and that, by relying on the said transcript, as evidence of such credits, the defendant does not admit the correctness of any of the debits in the said account, of which the transcript is not, per se, evidence; and that the said transcript is not, per se, evidence of any of the items of debit therein stated, except the first. By the Court—The correctness of the principle laid down by the circuit court in this instruction, has been recognized by the supreme court, in a case between the same parties, at the present term. *Ibid.*

The auditor's report of abalance due from a person accountable for public money, is a guide to the comptroller as to the amount to be sued for, but not evidence for the court of the debt. *United States v. Patterson, Gilpin's D. C. R. 47.*

Where the public officers are authorized by law to certify to certain facts, their certificates to these facts are competent evidence thereof. *Gass v. Stinson, 2 Sumner's C. C. R. 605.*

A certified statement of a balance due, and the report thereof to the comptroller, is not such a transcript from the books and proceedings of the treasury as may be given in evidence under the 2d section of the act of March 3, 1797. *United States v. Patterson, Gilpin's D. C. R. 47.*

The letters and transactions between the officers of the government, and a debtor to the United States, relative to his account, may be given in evidence under a plea of payment. *United States v. Beattie, Gilpin's D. C. R. 97.*

The certificate of the register of the treasury department, under his hand, that certain receipts, of which copies are annexed, are on file in his office, with a certificate of the secretary of the treasury, under the seal of the department, that he is register; is not evidence. It must appear not only that the officer who gives the certificate, has the custody of the papers, but that he is authorized by law to certify them, and the register is not so authorized; a sworn copy should have been produced. *Bleecker v. Bond, 3 Wash. C. C. R. 529.*

At the treasury department, a general account had been kept with the collector or the customs from the time of his appointment; during which, different bonds had been given to the United States for each term of office. Afterwards, a statement of the account of the collector for one term of office was made out, and a transcript of their accounts was offered in evidence. The evidence was legal. *The United States v. Eckford's Ex'rs, 17 Peters' Rep. 251.*

(a) See notes as to the priority of the United States, to act of May 8, 1792, chap. 23, page 263.

for the recovery of debts now due, or hereafter to be due to the United States, in law or equity, from any person or persons whatsoever, which remedy or remedies might be used if this act was not in force.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXIII.—*An Act authorizing an expenditure and making an appropriation for the Prosecution of the Claims of certain Citizens of the United States, for Property captured by the belligerent Powers.*

[Obsolete.]

Fifty thousand dollars appropriated to prosecute claims of American citizens, in England in prize causes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he is hereby authorized to advance, on account of the several prize causes before the court of admiralty and court of appeals in England, a sum sufficient to defray the costs thereof, so far as the agents of the United States may have become sureties for the same. And that for defraying, during the year one thousand seven hundred and ninety-seven, that expense, and that which may be incurred in procuring from the admiralty courts of any of the belligerent powers, copies of papers relative to the property of American citizens, captured by any of the said powers, a sum not exceeding fifty thousand dollars, shall be, and hereby is appropriated, in addition to the sums which, from the appropriations for intercourse with foreign nations, have been expended under the direction of the President of the United States, in the prosecution of those claims; which sum shall be paid from any monies which may be in the treasury, not otherwise appropriated.

Costs incurred by the United States to be deducted from the sums recovered.

SEC. 2. *And be it further enacted,* That from the money which has been, or which shall be received on any claim, as aforesaid, all costs in the prosecution thereof, which have been, or which shall be incurred by the United States, shall be taken and deducted, or otherwise refunded, and shall be accounted for by the agent or agents employed therein, under the direction of the President; which account, as far as may be then had, shall be submitted to Congress at their next session.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXIV.—*An Act providing for certain Buoys, to be placed in and near the Harbor of Boston.*

Buoys to be placed in the harbor of Boston.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be authorized and directed, to cause to be placed in and near the harbor of Boston, in the state of Massachusetts, upon such rocks, ledges, or shoals, as the security of navigation there most requires to be distinguished, not exceeding six larger, and ten smaller buoys, whereof the whole expense shall not exceed one thousand six hundred dollars.

Appropriation.

SEC. 2. *And be it further enacted,* That a sum not exceeding one thousand six hundred dollars, shall be, and hereby is appropriated to defray the necessary expense of the said buoys, to be paid from the duties on imports and tonnage.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

CHAP. XXV.—*An Act extending the time for receiving on Loan the Domestic Debt of the United States.*

[Obsolete.]

Time extended to loan domestic debt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the several provisions of the act, intituled "An act further extending the time for receiving

on loan the domestic debt of the United States," passed the nineteenth day of February, one thousand seven hundred and ninety-six, be, and they are hereby continued in force, until the thirty-first day of December next, and no longer: *Provided*, that nothing herein contained, shall be construed to extend to any evidence of public debt, which may be barred by any act of limitation.

APPROVED, March 3, 1797.

1796, ch. 2.

CHAP. XXVI.—*An Act to revive and continue the act, passed the thirtieth of May, one thousand seven hundred and ninety-six, intituled "An act to regulate the compensation of Clerks."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act to regulate the compensation of clerks," passed the thirtieth of May, one thousand seven hundred and ninety-six, be and the same is hereby revived and continued until the first day of January next.

SEC. 2. *And be it further enacted*, That the sum of one hundred dollars be allowed and paid to each of the principal and engrossing clerks in the office of the Secretary of the Senate, in addition to the sums allowed them by law, for the year one thousand seven hundred and ninety-six: And also, that the further sum of one hundred dollars to each of the principal and engrossing clerks employed by the Secretary of the Senate, and the clerk of the House of Representatives, be allowed and paid, for the year one thousand seven hundred and ninety-seven; also, the like sum to the sergeant-at-arms of the House of Representatives, and to each of the doorkeepers and assistant doorkeepers of the two Houses of Congress, in addition to the sums heretofore allowed by law.

APPROVED, March 3, 1797.

STATUTE II.

March 3, 1797.

[Obsolete.]

Act continued.

Ante, p. 486.

Additional allowance to clerks, sergeant-at-arms and doorkeepers.

CHAP. XXVII.—*An Act concerning the Circuit Courts of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the expiration of the present session of Congress, the times and places of holding the several circuit courts of the United States, in the present and each succeeding year, shall be as follows, to wit:

In the state of New York, at the city of New York, on the first days of April and September.

In Connecticut, at New Haven, on the thirteenth day of April, and at Hartford on the seventeenth day of September.

In Vermont, at Windsor, on the first day of May, and at Rutland, on the third day of October.

In New Hampshire, at Portsmouth, on the nineteenth day of May, and at Exeter, on the second day of November.

In Massachusetts, at Boston, on the first day of June, and twentieth day of October.

In Rhode Island, at Newport, on the fifteenth day of June, and at Providence on the fifteenth day of November.

In New Jersey, at Trenton, on the first days of April and October.

In Pennsylvania, at Philadelphia, on the eleventh days of April and October.

In Delaware, at New Castle, on the twenty-seventh day of June, and at Dover, on the twenty-seventh day of October.

In Maryland, at Annapolis, on the seventh day of May, and at Baltimore, on the seventh day of November.

In Virginia, at Richmond, on the twenty-second days of May and November.

STATUTE II.

March 3, 1797.

Times of holding the circuit courts.

Act of April 29, 1802, ch. 23.

New York.

Connecticut.

Vermont.

New Hampshire.

Massachusetts.

Rhode Island.

New Jersey.

Pennsylvania.

Delaware.

Maryland.

Virginia.

Georgia.

In Georgia, at Savannah, on the twentieth day of April, and at Augusta, on the eighth day of November.

South Carolina.

In South Carolina, at Charleston, on the sixth day of May, and the twenty-fifth day of October.

North Carolina.

In North Carolina, at Raleigh, on the first day of June, and on the thirtieth day of November: *Provided*, that if any of these days shall happen on a Sunday, the court shall be held on the day following.

Certain acts repealed.

Act of April 13, 1792, ch. 21.

Ante, p. 395.

District courts to be held at Newbern.

SEC. 2. *And be it further enacted*, That the fifth section of an "act for altering the times of holding the circuit courts, in certain districts of the United States, and for other purposes," and the third, fourth, fifth and sixth sections of "An act making certain alterations in the act for establishing the judicial, and altering the time and place of holding certain courts," be, and the same are hereby repealed; and that the stated district courts of North Carolina, shall, in future, be held at the town of Newbern.

SEC. 3. *And be it further enacted*, That all such process of the several district courts, within the said district, as before the passing of this act shall have issued, and all recognizances made, returnable to any of the said several district courts; and all suits and other proceedings, that were continued, and are depending therein, shall now be returned and held continued to the district court of the said state, to be holden at Newbern, on the first Monday in April next; and shall therein be tried, and otherwise proceeded on, according to law; and the dockets and records of the said several district courts, shall be hereafter kept at Newbern, aforesaid. And, to the end, that suitors, witnesses, and all others concerned, may have notice of the alteration hereby made, the marshal of the said district of North Carolina is hereby required to make the same known, by proclamation, on or before the twenty-third day of the present month.

Process how returnable.

SEC. 4. *And be it further enacted*, That all proceedings, and process depending, in, or issuing out of any of the said courts, which are or may be made returnable to any other times and places appointed for holding the same, than those above specified, shall be deemed legally returnable on the days and at the places above specified, and not otherwise. And all suits and other proceedings in any of the said courts, which stand continued to any other times and places than those above specified, shall be deemed continued to the times and places prescribed by this act, and no other.

District judge may issue a venire.

SEC. 5. *Provided, and be it further enacted*, That if in consequence of any alterations made by this act, it shall appear expedient to the district judge of any of the districts where such alterations are made as aforesaid, that a new venire should issue for the summoning of jurors to attend the circuit court of such district, which is to be first held after the present session of Congress, it shall be lawful for him to direct the clerk of the said circuit court to issue a venire accordingly, for the summoning of such number of jurors as the said district judge shall think fit, and from such parts of the district as shall appear to him most suitable to the convenience of the people thereof, giving reasonable notice of the time and place of attendance.

Time of holding district courts in Kentucky.

SEC. 6. *And be it further enacted*, That from and after the first day of September next, the present terms for holding the district court, in the Kentucky district, shall cease, and thereafter the said court shall be holden on the second Monday in March, the third Monday in June, and the third Monday in November, annually.

APPROVED, March 3, 1797.

RESOLUTIONS.

March 2, 1797.

I. RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President be requested to adopt some speedy and effectual means of obtaining information from the states of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution concerning the suability of states; if they have, to obtain the proper evidences thereof.

President to call on certain states respecting an amendment to the Constitution.

APPROVED, March 2, 1797.

March 3, 1797.

II. RESOLVED, *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the five hundred copies of the laws of the United States, directed to be printed by the act, intituled "An act for the more general promulgation of the laws of the United States," and which were, by the said act, reserved for the future disposition of Congress, shall be distributed by the Secretary of State, in the manner following: One set shall be delivered to George Washington, now President of the United States; to the President of the United States; to the Vice President of the United States, and to each of the members of the Senate and House of Representatives; six sets shall be delivered to the Secretary of the Senate, and twelve sets to the clerk of the House of Representatives; one set shall be delivered to each of the Judges of the Supreme Court; to each of the Judges of the District Courts; and to each of the Marshals and Attornies of each district; one set shall be delivered to the Secretary of State; to the Secretary of the Treasury; to the Secretary of War; to the Attorney General; to the Director of the Mint; to the Comptroller of the Treasury; to the Commissioner of the Revenue; to the Register; to the Auditor; to the Accountant of the War Department, and to the Postmaster General, and the Purveyor of Public Supplies; one set shall be delivered to the Governor and to the Secretary of the Territory northwest of the Ohio, and to each of the Judges thereof; one set shall be delivered to each Collector, Naval Officer and Surveyor, and to each Supervisor and Inspector of the Revenue, in the United States.

Mode of distributing laws of United States.

SEC. 1. *And be it further resolved*, That in case of the death, resignation, or dismissal from office, of either of the officers before mentioned, excepting the President and Vice President of the United States, the members of the Senate and House of Representatives, and the Judges of the Supreme and District Courts, the said copies of the laws of the United States, delivered to them as aforesaid, shall belong to their respective successors in the said offices.

APPROVED, March 3, 1797.

ACTS OF THE FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the first session, which was begun and held at the City of Philadelphia, in the state of Pennsylvania, on Monday, the fifteenth day of May, 1797, and ended on the eighth of July, 1797.

JOHN ADAMS, President; THOMAS JEFFERSON, Vice President of the United States, and President of the Senate; WILLIAM BRADFORD, President of the Senate pro tempore, from July 6th; JONATHAN DAYTON, Speaker of the House of Representatives.

STATUTE I.

June 14, 1797.

Repealed by Act of April 20, 1818, ch. 83, sec. 12.

Citizens fitting out ships, or concerned therein, how punished and fined.

1794, ch. 50.

CHAPTER I.—*An Act to prevent citizens of the United States from Privateering against nations in amity with, or against citizens of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any citizen or citizens of the United States shall, without the limits of the same, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out or arming any private ship or vessel of war, with intent that such ship or vessel shall be employed to cruise or commit hostilities, upon the subjects, citizens or property of any prince or state with whom the United States are at peace, or upon the citizens of the United States, or their property, or shall take the command of, or enter on board of any such ship or vessel for the intent aforesaid, or shall purchase an interest in any vessel so fitted out and armed, with a view to share in the profits thereof, such person or persons so offending shall, on conviction thereof, be adjudged guilty of a high misdemeanor, and shall be punished by a fine not exceeding ten thousand dollars, and imprisonment not exceeding ten years: And the trial for such offence, if committed without the limits of the United States, shall be in the district where the offender shall be apprehended or first brought.

Construction of this act.

SEC. 2. *And be it further enacted,* That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by a treaty or other law of the United States.

APPROVED, June 14, 1797.

STATUTE I.

June 14, 1797.

[Expired.]

Exportation of cannon, &c. unlawful until March 3, 1798.

CHAP. II.—*An Act prohibiting, for a limited time, the Exportation of Arms and Ammunition, and for encouraging the Importation thereof.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket-balls, lead, bombs, grenadoes, gunpowder, sulphur or saltpetre, but the exportation of all the aforesaid articles is hereby prohibited, until to the end of the next session of Congress, and no longer.

Vessels.

SEC. 2. *And be it further enacted,* That any of the aforesaid articles, excepting such of them as may constitute a part of the equipment of

any vessel, which during the continuance of this prohibition shall be found on board of any vessel in any river, port, bay or harbour within the territory of the United States, put on board with an intent to be exported from the United States, shall be forfeited, and in case the value thereof shall amount to one hundred dollars, the vessel on board of which the same shall be seized, together with her tackle, apparel and furniture, shall also be forfeited. *Provided nevertheless*, that nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another port within the United States, in any vessel having a license as a coasting vessel, the master, agent or owner of which shall have given bond, with one or more sufficient sureties, to the collector of the district from which such vessel is about to depart, in a sum double the value of such vessel and of such of the said articles as may be laden on board her, that the said articles shall be re-landed and delivered in some port of the United States. Or to prevent the exportation of any of the above articles on public account, under the direction of the President of the United States.

SEC. 3. *And be it further enacted*, That if any of the articles aforesaid shall, contrary to the prohibitions of this act, be exported from the United States, the vessel in which the same shall have been exported, together with her tackle, apparel and furniture, shall be forfeited, and the captain or master of such vessel, knowingly offending in the premises, shall be liable to indictment, and upon conviction shall forfeit and pay a sum not exceeding one thousand dollars; which shall be distributed in like manner as is herein after provided as to other forfeitures incurred under this act.

SEC. 4. *And be it further enacted*, That it shall be the duty of the custom-house officers, and of all persons employed in the collection of the revenue, to attend to the execution of this law, and all forfeitures and penalties incurred under it and not otherwise directed to be prosecuted and recovered, shall be sued for, prosecuted, adjudged and distributed in like manner as is provided in the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels."

SEC. 5. *And be it further enacted*, That all brass cannon, muskets and firelocks with bayonets suited to the same, pistols, swords, cutlasses, musket-ball, lead, and gunpowder, which shall be imported into the United States from any foreign country, within the term of one year, and all sulphur and saltpetre which shall be so imported within the term of two years from and after the passing of this act, shall be free of duty; any thing in any former law to the contrary notwithstanding.

APPROVED, June 14, 1797.

Vessels exporting the same to be forfeited.

Prohibition not to extend to removal of such articles from one part of the United States to another.

Master of vessel shall be liable to indictment for violating this act.

Duty of custom house officers herein.

Ante, p. 145.

Such articles may be imported free of duty.

STATUTE I.

CHAP. III.—*An Act to provide for the further Defence of the Ports and Harbors of the United States.*

June 23, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for fortifying certain ports and harbors of the United States, there be appropriated a sum not exceeding one hundred and fifteen thousand dollars.

SEC. 2. *And be it further enacted*, That the said appropriation shall be paid and discharged out of the surplus of the revenue and income, beyond the appropriations heretofore charged thereon.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby empowered to authorize any of the states which were found indebted to the United States in a settlement of the

Appropriation of \$115,000 for fortifying ports;

Post, p. 554.

out of which funds payable debtor states may expend under direction of the President, the sums due from them, provided they cede the lands.

accounts between them and the respective states, to expend under his direction the sums respectively due from them in fortifying their ports and harbors; and the sums which may be so expended shall be passed to the credit of the said states, on account of the balances found and reported by the commissioners for settling the accounts between the United States and the individual states, to be due from the said states to the United States. *Provided*, the said states shall and do cede to the United States the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of such states.

APPROVED, June 23, 1797.

STATUTE I.

June 24, 1797.

[Expired.]

80,000 militia to be held in readiness.

Proportion of each state.

The President may authorize the state executives to receive independent corps.

Limitation of service,

pay and subsistence; allowance for clothing.

Ante, p. 408.

This act to be in force one year.

CHAP. IV.—*An Act authorizing a detachment from the Militia of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and is hereby authorized to require of the executives of the several states, to take effectual measures, at such time as he shall deem necessary, to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, the following proportions, respectively, of eighty thousand effective militia, officers included, to wit: From the state of Tennessee, eight hundred and six: from the state of Georgia, one thousand three hundred and thirty-four: from the state of South Carolina, three thousand five hundred and thirty-five: from the state of North Carolina, seven thousand two hundred and sixty-eight: from the state of Kentucky, one thousand five hundred and forty-two: from the state of Virginia, eleven thousand one hundred and fifty: from the state of Maryland, five thousand two hundred and sixty-two: from the state of Delaware, one thousand one hundred and sixty-eight: from the state of Pennsylvania, ten thousand six hundred and ninety-six: from the state of New Jersey, four thousand two hundred and eighty-six: from the state of New York, seven thousand nine hundred and twenty-three: from the state of Vermont, two thousand one hundred and fifty: from the state of Connecticut, five thousand eight hundred and sixty: from the state of Rhode Island, one thousand six hundred and twenty-six: from the state of Massachusetts, eleven thousand eight hundred and thirty-six: from the state of New Hampshire, three thousand five hundred and fifty-eight.

SEC. 2. *And be it further enacted*, That the President may, if he judges expedient, authorize the executives of the several states, to accept any independent corps of cavalry, artillery or infantry, as part of the detachments aforesaid, provided they shall voluntarily engage as corps in the service.

SEC. 3. *And be it further enacted*, That the said militia shall not be compelled to serve a longer time, in any one tour, than three months, after their arrival at the place of rendezvous: and that, during the time of their service, the commissioned officers shall be entitled to the same pay and rations that are allowed by law, to officers of the same rank on the military establishment of the United States; and the non-commissioned officers, musicians, and privates, shall receive the pay and allowance for clothing, established by an act, entitled "An act to regulate the pay of the non-commissioned officers, musicians and privates of the militia of the United States, when called into actual service, and for other purposes."

SEC. 4. *And be it further enacted*, That this act shall continue and be in force, for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

APPROVED, June 21, 1797.

CHAP. V.—*An Act in addition to an act, entitled “An act concerning the registering and recording of Ships and Vessels.”*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no ship or vessel which has been, or shall be registered, pursuant to any law of the United States, and which hereafter shall be seized, or captured and condemned, under the authority of any foreign power, or that shall by sale become the property of a foreigner or foreigners, shall, after the passing of this act, be entitled to, or capable of receiving, a new register, notwithstanding such ship or vessel should afterwards become American property; but that all such ships and vessels shall be taken and considered, to all intents and purposes, as foreign vessels: *Provided*, that nothing in this act contained, shall extend to, or be construed to affect the person or persons owning any ship or vessel, at the time of the seizure, or capture of the same, or shall prevent such owner, in case he regain a property in such ship or vessel, so condemned, by purchase or otherwise, from claiming and receiving a new register for the same, as he might or could have done, if this act had not been passed.

APPROVED, June 27, 1797.

STATUTE I.

June 27, 1797.

[Expired.]

Act of Dec. 31, 1792, ch. 1.
Vessels of U. States captured and condemned under any foreign power, or sold to a foreigner, shall not receive a new register.

Proviso.

CHAP. VI.—*An Act directing the appointment of Agents, in relation to the sixth article of the Treaty of Amity, Commerce and Navigation, between the United States and Great Britain.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and hereby is authorized, by and with the advice and consent of the Senate, to appoint a proper person to act in behalf of the United States, under the direction of the Attorney General, in relation to such claims as may be made against the United States, before the commissioners appointed to carry into effect the sixth article of the treaty of amity, commerce and navigation, between the United States of America and his Britannic Majesty. And it shall be the duty of the Attorney General, to counsel such agent, and to attend before the said commissioners, whenever any questions of law, or fact, to be determined by them, shall render his assistance necessary.

SEC. 2. *And be it further enacted,* That the Attorney General be and is hereby authorized to employ such agents, in different parts of the United States, as the business before the said commissioners, in his opinion, shall make necessary, to be paid according to their services, at such rate as the President of the United States shall direct.

SEC. 3. *And be it further enacted,* That during the continuance of the service to be performed under this act, the Attorney General shall be entitled to an additional compensation of six hundred dollars per annum; and the person hereby directed to be appointed, to a compensation at the rate of two thousand dollars per annum.

SEC. 4. *And be it further enacted,* That for enabling the President of the United States, to defray the expenses to be incurred under, and by this act, a sum not exceeding ten thousand dollars, be, and hereby is appropriated, to be paid out of any monies not otherwise appropriated.

APPROVED, June 30, 1797.

STATUTE I.

June 30, 1797.

[Obsolete.]

Agent to be appointed to act on part United States, under direction of Attorney General, before the commissioners under sixth article of treaty with Great Britain.

Duty of Attorney General herein;

authorized to employ agents in different parts of the U. States.

Additional compensation.

Appropriation.

CHAP. VII.—*An Act providing a Naval Armament.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be and he is hereby empowered, should he

STATUTE I.

July 1, 1797.

[Expired.]

Act of March 27, 1794, ch. 12.

President may
man and employ
the frigates;
their commis-
sioned officers.

deem it expedient, to cause the frigates United States, Constitution and Constellation, to be manned and employed.

SEC. 2. *And be it further enacted*, That there shall be employed on board each of the ships of forty-four guns, one captain, four lieutenants, two lieutenants of marines, one chaplain, one surgeon, and two surgeon's mates; and in the ship of thirty-six guns, one captain, three lieutenants, one lieutenant of marines, one surgeon, and one surgeon's mate.

Warrant offi-
cers.

SEC. 3. *And be it further enacted*, That there shall be employed in each of the said ships, the following warrant officers, who shall be appointed by the President of the United States, to wit: one sailing master, one purser, one boatswain, one gunner, one sail-maker, one carpenter, and eight midshipmen; and the following petty officers, who shall be appointed by the captains of the ships respectively, in which they are to be employed, viz: two master's mates, one captain's clerk, two boatswain's mates, one cockswain, one sail-maker's mate, two gunner's mates, one yeoman of the gun-room, nine quarter gunners, (and for the two larger ships two additional quarter gunners) two carpenter's mates, one armourer, one steward, one cooper, one master at arms, and one cook.

Crews.

SEC. 4. *And be it further enacted*, That the crews of each of the ships of forty-four guns, shall consist of one hundred and fifty seamen, one hundred and three midshipmen and ordinary seamen, three sergeants, three corporals, one drum, one fife, and fifty marines: and that the crew of the ship of thirty-six guns shall consist of one hundred and thirty able seamen and midshipmen, ninety ordinary seamen, two sergeants, two corporals, one drum, one fife, and forty marines, over and above the officers herein before mentioned.

Pay and sub-
sistence.

SEC. 5. *And be it further enacted*, That the pay and subsistence of the respective commissioned and warrant officers, be as follows: A captain, seventy-five dollars per month, and six rations per day; a lieutenant, forty dollars per month, and three rations per day; a lieutenant of marines, thirty dollars per month, and two rations per day; a chaplain, forty dollars per month, and two rations per day; a sailing master, forty dollars per month, and two rations per day; a surgeon, fifty dollars per month, and two rations per day; a surgeon's mate, thirty dollars per month, and two rations per day; a purser, forty dollars per month, and two rations per day; a boatswain, twenty dollars per month, and two rations per day; a gunner, twenty dollars per month, and two rations per day; a sail-maker, twenty dollars per month, and two rations per day; a carpenter, twenty dollars per month, and two rations per day.

President to
fix the pay to
petty officers,
&c.

SEC. 6. *And be it further enacted*, That the pay to be allowed to the petty officers, midshipmen, seamen, ordinary seamen and marines, shall be fixed by the President of the United States: *Provided*, that the whole sum to be given for the whole pay aforesaid shall not exceed fifteen thousand dollars per month, and that each of the said persons shall be entitled to one ration per day.

Ration.

SEC. 7. *And be it further enacted*, That the ration shall consist of as follows: Sunday, one pound of bread, one pound and a half of beef, and half a pint of rice; Monday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese; Tuesday, one pound of bread, one pound and a half of beef, and one pound of potatoes, or turnips and pudding; Wednesday, one pound of bread, two ounces of butter, or in lieu thereof six ounces of molasses, four ounces of cheese, and half a pint of rice; Thursday, one pound of bread, one pound of pork, and half a pint of peas or beans; Friday, one pound of bread, one pound of salt fish, two ounces of butter, or one gill of oil, and one pound of potatoes; Saturday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese; and there shall also be allowed one half pint of distilled spirits per day, or in lieu thereof one quart of beer per day, to each ration.

SEC. 8. *And be it further enacted*, That the officers, non-commissioned officers, seamen, and marines, belonging to the navy of the United States, shall be governed by the rules for the regulations of the navy heretofore established by the resolution of Congress of the twenty-eighth of November, one thousand seven hundred and seventy-five, as far as the same may be applicable to the constitution and laws of the United States, or by such rules and articles as may hereafter be established.

By what rules to be governed.

SEC. 9. *And be it further enacted*, That the appointment of the officers to the frigates may be made by the President alone in the recess of the Senate; and their commissions, if so appointed, shall continue in force till the advice and consent of the Senate can be had thereupon at their next meeting which may happen thereafter.

The President may make the appointments alone, in recess of the Senate.

SEC. 10. *And be it further enacted*, That the seamen and marines shall not be engaged to serve on board the frigates, for a period exceeding one year; but the President may discharge the same sooner if in his judgment their services may be dispensed with.

SEC. 11. *And be it further enacted*, That if any officer, non-commissioned officer, marine or seaman belonging to the navy of the United States, shall be wounded or disabled, while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay and under such regulations as shall be directed by the President of the United States: *Provided always*, that the rate of compensation to be allowed for such wounds or disabilities to a commissioned or warrant officer shall never exceed for the highest disability half the monthly pay of such officer at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, marines and seamen, shall never exceed five dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Term of service.

Provision in case of wounds.

Limitation of the compensation in case of wounds.

SEC. 12. *And be it further enacted*, That the President of the United States be, and he is hereby authorized, if circumstances should hereafter arise, which in his opinion may render it expedient, to increase the strength of the several revenue cutters, so that the number of men employed do not exceed thirty marines and seamen to each cutter; and cause the said revenue cutters to be employed to defend the sea coast, and to repel any hostility to their vessels and commerce, within their jurisdiction, having due regard to the duty of the said cutters, in the protection of the revenue.

President may increase the strength of the cutters.

SEC. 13. *And be it further enacted*, That the compensations established by the first section of the act passed on the sixth day of May, one thousand seven hundred and ninety-six, entitled "An act making further provision relative to the revenue cutters," be, and the same is hereby continued and confirmed, on the terms and conditions of the said act, to the mariners and marines, who are or may be employed as aforesaid.

Act making compensation to their officers and men, continued.

1796, ch. 22.

SEC. 14. *And be it further enacted*, That this act shall continue in force for the term of one year, and from thence to the end of the then next session of Congress and no longer.

Limitation of this act.

APPROVED, July 1, 1797.

STATUTE I.

CHAP. VIII.—*An Act to ascertain the time for the next meeting of Congress, and to repeal the act heretofore passed for that purpose.*

July 1, 1797.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That after the end of the present session, the next meeting of Congress shall be on the second Monday of November in the present year.

Congress to meet second Monday in Nov. 1797.

SEC. 2. *And be it further enacted*, That the act intituled "An act

Ante, p. 507.

to alter the time for the next meeting of Congress," passed on the third day of March last, be, and the same is hereby repealed.

APPROVED, July 1, 1797.

STATUTE I.

July 5, 1797.

CHAP. IX.—*An Act for reviving and continuing suits and process in the Circuit Court for the district of North Carolina.*

[Obsolete.]

WHEREAS, a sufficient quorum of judges did not attend to hold the circuit court, for the district of North Carolina, for the purpose of doing business in June term, one thousand seven hundred and ninety-seven; in consequence whereof, certain provisions are now become necessary and expedient, to prevent a failure of justice in the said court:

How district judge of Carolina, shall cause jury men to be summoned for Nov. term.

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall and may be lawful, for the district judge of the state of North Carolina, to direct the clerk of the said court, to issue such process for the purpose of causing persons to be summoned to serve as jury men at the said court, at the term to commence the thirtieth day of November next, as has been before issued by the clerk of the said court for the like purpose, returnable to June term, one thousand seven hundred and ninety-seven; that the persons ordered by the said process to be summoned for the said purpose, shall be ordered to be summoned in the same proportion, and from the same counties, as those persons who were ordered to be summoned for the like purpose, by process returnable at June term, one thousand seven hundred and ninety-seven: *Provided*, that if it shall appear expedient to the said district judge, that a different time of notice shall be prescribed, than that hitherto prescribed, he may cause such other time of notice to be directed to be given, as to him shall appear most conducive to justice, and convenient to the persons to be summoned. And the marshal is hereby directed to execute the said process, so to be issued; and the persons who shall be legally summoned to attend as jury men, in consequence thereof, are hereby required to attend the said court, under the like penalties for disobedience, as if the said process had been ordered to be issued by the said court, in the ordinary method of proceeding: And the marshal and the persons who shall attend as jury men, in virtue of the said process, so to be issued, shall be entitled to the like allowances for their services, respectively.

Proviso.

Marshal to execute process.

How suits and proceedings shall be proceeded on.

SEC. 2. *And be it further enacted,* That all suits and proceedings, of what nature or kind soever, which have been commenced in the said court, and not finished, shall be proceeded on at the ensuing term, in the same manner, and to the same effect, as if the said circuit court had been regularly held for the purpose of business in June term, one thousand seven hundred and ninety-seven, and continuances had been regularly entered, of all suits and proceedings in the said term, in which they were depending, in the usual manner of proceeding, as the case might be.

All writs, &c. deemed of same validity as if June term had been regularly held.

SEC. 3. *And be it further enacted,* That all writs and other process sued out of the clerk's office of the said circuit court, according to the accustomed method, bearing test in November term, one thousand seven hundred and ninety-six, or June term, one thousand seven hundred and ninety-seven, shall be held and deemed of the same validity and effect as if the term of June, one thousand seven hundred and ninety-seven, had been regularly held by a judge or judges competent to do business, and continuances in respect to writs or other process returnable to the last mentioned term, had been regularly entered.

APPROVED, July 5, 1797

STATUTE I.

CHAP. X.—*An Act to continue in force to the end of the next session, certain acts, and parts of acts, of limited duration.*

July 5, 1797.

[Obsolete.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws of the United States, and parts of laws now in force, and which, by the terms of their limitation, will expire with the end of this session of Congress, shall be, and hereby are continued in force, until the end of the next session.

Certain laws declared in force till the end of next session.

APPROVED, July 5, 1797.

STATUTE I.

CHAP. XI.—*An Act laying Duties on stamped Vellum, Parchment and Paper.* (a)

July 6, 1797.

[Repealed.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirty-first day of December next, there shall be levied, collected and paid throughout the United States, the several stamp duties following, to wit: For every skin or piece of vellum, or parchment, or sheet or piece of paper upon which shall be written or printed any or either of the instruments or writings following, to wit: any certificate of naturalization, five dollars; any license to practice or certificate of the admission, enrolment or registry of any counsellor, solicitor, attorney, advocate or proctor in any court of the United States, the sum of ten dollars; any grant or letters patent under the seal or authority of the United States, except for lands granted for military services, four dollars; any exemplification or certified copy of any such grant or letters patent, two dollars; any charter-party, bottomry, or respondentia bond, one dollar; any receipt or other discharge for or on account of any legacy left by any will or other testamentary instrument, or for any share or part of a personal estate divided by force of any statute of distributions, the amount whereof shall be above the value of fifty dollars, and shall not exceed the value of one hundred dollars, twenty-five cents; where the amount thereof shall exceed the value of one hundred dollars and shall not exceed five hundred dollars, fifty cents; and for every further sum of five hundred dollars, the additional sum of one dollar; any policy of insurance or instrument in nature thereof, whereby any ships, vessels or goods going from one district to another in the United States, or from the United States to any foreign port or place, shall be insured, to wit, if going from one district to another in the United States, twenty-five cents; if going from the United States to any foreign port or place, when the sum for which insurance is made shall not exceed five hundred dollars, twenty-five cents; and when the sum insured shall exceed five hundred dollars, one dollar; any exemplification, of what nature soever, that shall pass the seal of any court, other than such as it may be the duty of the clerk of such court to furnish for the use of the United States or some particular state, fifty cents; any bonds, bills, single or penal, foreign or inland bill of exchange, promissory note, or other note for the security of money, according to the following scale, viz. on all bonds,

Rate of duties on stamped vellum, &c. on 1st Jan. 1798.
1797, ch. 11.

Certain certificates.

Exemplification of letters patent.
Receipts.

Policy of insurance.

Rate of duties on bonds and notes.

(a) The acts imposing and relating to duties on stamps, have been: An act laying duties on stamped vellum, parchment, and paper, July 6, 1797, chap. 11; an act to postpone for a limited time, the commencement of the duties imposed by the act entitled, "an act laying duties on stamped vellum, parchment, and paper," December 15, 1797, chap. 1; an act to amend the act entitled, "an act laying duties on stamped vellum, parchment, and paper," March 19, 1798, chap. 20; an act to alter the duties imposed upon foreign bills of exchange, and bills of lading by "an act laying duties on stamped vellum, parchment, and paper," February 28, 1799, chap. 17; an act to establish a general stamp office, April 23, 1800, chap. 31; an act to amend an act "to establish a general stamp office," March 3, 1801, chap. 19; an act counted by banks, bankers, and certain companies; and on bills of exchange of certain descriptions, August 2, 1813, chap. 52; an act continuing in force certain acts laying duties on bank notes, refined sugars, and for other purposes, February 1, 1816, chap. 9; an act respecting stamps, March 3, 1823, chap. 54.

Proviso.	bills, single or penal, foreign or inland bill of exchange, promissory note, or other note, above twenty dollars and not exceeding one hundred dollars, ten cents; above one hundred and not exceeding five hundred dollars, twenty-five cents; above five hundred and not exceeding one thousand dollars, fifty cents; above one thousand dollars, seventy-five cents: <i>Provided</i> , that if any bonds or notes shall be payable at or within sixty days, such bonds or notes shall be subject to only two fifth parts of the duty aforesaid; and provided, that notes issued by any of the banks now established, or which hereafter may be established, within the United States, shall be subject to a duty according to the following scale, viz. on all notes not exceeding fifty dollars, at the rate of three fifths of a cent for every dollar; above fifty dollars and not exceeding one hundred dollars, fifty cents; above one hundred dollars, and not exceeding five hundred dollars, one dollar; above five hundred dollars, two dollars; any protest, or other notarial act, twenty-five cents; any letter of attorney, except for invalid pensions, or to obtain or sell warrants for land granted by the United States as bounty for military services performed in the late war, twenty-five cents; any certificate or debenture for drawback of customs or duties for less than five hundred dollars, one dollar; any certificate or debenture for five hundred dollars, and not exceeding two thousand dollars, two dollars; and on every certificate or debenture for more than two thousand dollars, three dollars; any note or bill of lading for any goods or merchandise to be exported, if from one district to another district of the United States, not being in the same state, ten cents; if to be exported to any foreign port or place, twenty-five cents; any inventory or catalogue of any furniture, goods or effects, made in any case required by law (except in cases of goods and chattels distrained for rent or taxes, and goods taken in virtue of any legal process by any officer) fifty cents; any certificate of a share in any insurance company, or any certificate of a share in the Bank of the United States, or of any state, or other bank, above twenty dollars, and not exceeding one hundred dollars, ten cents; above one hundred dollars, twenty-five cents; and for any certificate for every such share under twenty dollars, at the rate of ten cents for one hundred dollars; and the same for any less sum of the amount of the shares expressed in such certificate: <i>Provided</i> , that nothing in this act contained, shall extend to charge with a duty, any legacy left by any will or other testamentary instrument or any share or part of a personal estate, to be divided by force of any statute of distributions which shall be left to, or divided amongst the wife, children, or grandchildren of the person deceased intestate, or making such will or testamentary instrument, or any recognizance, bill, bond, or other obligation or contract, which shall be made to, or with the United States, or any state, or for their use respectively.
Protest.	
Rate of duty on certificates or debentures.	
Any inventory.	
Proviso.	
Secretary of Treasury may agree with the banks for one per cent. on annual dividends, in lieu of stamp duty.	<p>SEC. 2. <i>And be it further enacted</i>, That in respect to any stamp, on any of the notes of the banks now established, or which hereafter may be established within the United States, it shall be lawful for the Secretary of the Treasury, to agree to an annual composition for the amount of such stamp duty, with any of the said banks, of one per centum on the amount of the annual dividend made by such banks, to their stockholders respectively.</p>
Deeds, &c. on ship, construed to be policies of assurance.	<p>SEC. 3. <i>And be it further enacted</i>, That all deeds and writings whatsoever, for the payment of any sum of money, upon the contingency of the loss of any ship, or goods, laden or to be laden on board of any ship, or of damage thereto, shall be construed and adjudged to be policies of assurance, within this act chargeable with the several rates of duty herein before mentioned.</p>
	<p>SEC. 4. <i>And be it further enacted</i>, That when any vessel, or any goods or merchandise, laden or to be laden on board of any vessel, shall be insured, a policy, duly stamped, shall be issued, or made out, within the</p>

space of three days at furthest; and the insurer or insurers neglecting to make out such policy or policies, within the time aforesaid, shall forfeit the sum of twenty dollars, for every such neglect or offence; and all promissory notes, or other security made for assurance or insurances of ships, goods or merchandises at sea, or going to sea, in lieu of a policy, are hereby declared void.

Penalty on neglecting to make out policy of insurance.

SEC. 5. *And be it further enacted*, That every deed, instrument, note, memorandum, letters or other writing between the captain or master, or owner of any ship or vessel, and any merchant, trader or other person, in respect to the hire or freight of such ship or vessel, for conveyance of any money, goods, wares, merchandise or effects, laden or to be laden on board of such ship or vessel, shall be deemed and adjudged to be a charter party.

SEC. 6. *And be it further enacted*, That every receipt for any sum of money, paid in whole or in part, of any legacy or share of personal estate, distributed as aforesaid, in the cases in which a duty is hereby charged, shall express therein the true sum which shall have been so paid; in default of which, as well the person or persons by whom the same shall have been paid, as the person or persons by whom the same shall have been received, shall severally forfeit and pay the sum of twenty dollars: And every receipt in full, shall be deemed, for the purpose of charging the duties hereby laid, to be for the entire sum of such legacy or share of personal estate, unless it shall be made to appear that all such part thereof, as may not be expressed in such receipt in full, was, previous thereto, paid, and upon a receipt or receipts, duly marked or stamped, according to the directions of this act.

Receipts for legacies, &c. to express the full sum paid.

SEC. 7. *And be it further enacted*, That every counsellor, solicitor, attorney, proctor or advocate, who hath been or shall be admitted, enrolled or registered, in any court of the United States, before he shall at any time after the said thirty-first day of December next, prosecute, carry on, or defend any action, suit or proceeding in any court of the United States, shall take out a certificate of such admission, enrolment or registry from the clerk or prothonotary of the court granting such admission; which certificate shall be written on a piece of vellum, parchment or paper, stamped according to the directions of this act, and such clerk or prothonotary shall make entry of such admission, enrolment or registry, in a book to be by him kept for that purpose, to which any person may, at reasonable times have access, without fee or reward: for which certificate and entry, there shall be paid to such clerk or prothonotary, by the supervisor of the revenue for the district wherein such court shall be held, the sum of twenty-five cents.

Counsellors, &c. shall take out a stamped certificate of admission.

SEC. 8. *And be it further enacted*, That the receiving a certificate as aforesaid in any one of the courts of the United States, for any one of the said offices, shall be a sufficient admission in all the courts of the same, for that or any other of the said offices, so far as relates to the payment of the duties imposed by this act; any thing herein contained to the contrary notwithstanding.

Duty to be paid upon one certificate only.

SEC. 9. *And be it further enacted*, That the several duties aforesaid, shall be levied, collected, received, and accounted for, by and under the immediate direction and management of the supervisors and inspectors of the revenue, and other officers of inspection, subject to the superintendence, control and direction of the treasury department, according to the respective authorities and duties of the officers thereof.

How these duties are to be collected and accounted for.

SEC. 10. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, to cause to be provided so many marks and stamps differing from each other, as shall correspond with the several rates of duty aforesaid; that is to say, one mark or stamp for each distinct rate of duty; with which marks and stamps respectively shall be marked or stamped all vellum, parchment or paper, upon which shall be

Secretary of the Treasury to provide marks and stamps.

written, or printed, all or any of the several instruments, writings, matters and things herein before enumerated and charged, according to the nature and description of each of the said instruments, writings, matters and things as are herein before specified and described. Which said several marks and stamps shall be notified by a public notification, or advertisement, to be issued by the Secretary of the Treasury, and inserted in at least one newspaper printed in each state, and in the territory north west of the Ohio, and for not less than three months before the said thirty-first day of December next, to the end that all persons may have due notice thereof; and which said marks and stamps, or any of them, shall or may be altered or renewed from time to time, as the said Secretary of the Treasury shall think fit, so as like public notification thereof be made, for a term not less than three months, before such new stamps or marks shall begin to be used.

Supervisors to stamp vellum &c. upon demand made.

SEC. 11. *And be it further enacted*, That the supervisors of the revenue are hereby empowered and required, forthwith upon demand to them or any of them, made by any person or persons, to stamp or mark any quantities or parcels of vellum, parchment or paper (he or they paying to the supervisors of the revenue respectively, the respective duties hereby directed to be paid for the same) to stamp and mark the same accordingly, without any other fee or reward; which stamp or mark shall be a sufficient discharge for the several and respective duties hereby granted upon the said vellum, parchment or paper, which shall be so stamped or marked.

Penalty on stamping before the duties are paid or secured.

SEC. 12. *And be it further enacted*, That if any supervisor of the revenue shall fix any such mark or stamp to any vellum, parchment, or paper, upon such request or demand as aforesaid, before the several and respective duties thereupon charged by this act, shall be duly answered and paid, or secured to be paid, he shall for every such offence, forfeit his office together with the sum of five hundred dollars.

Penalty on writing or printing upon vellum &c. unstamped or improperly stamped.

SEC. 13. *And be it further enacted*, That if any person or persons, shall write or print, or cause to be written or printed upon any unstamped vellum, parchment or paper, (with intent fraudulently to evade the duties imposed by this act) any of the matters and things for which the said vellum, parchment or paper is hereby charged to pay any duty, or shall write or print, or cause to be written or printed any matter or thing, upon any vellum, parchment or paper, that shall be marked or stamped for any lower duty than the duty by this act payable, such person so offending, shall for every such offence, forfeit the sum of one hundred dollars; and in case any clerk, officer, or person, who in respect of any public office or employment, is or shall be authorized or instructed to make, write, or print any deeds, instruments or writings, by this act charged to pay a duty, as aforesaid, shall be guilty of any fraud, or practice to defraud or deprive the United States of any duty by this act payable, by making, writing or printing any such deed, instrument, or writing, or causing the same to be made, written, or printed upon vellum, parchment or paper, not marked or stamped according to this act (or upon vellum, parchment or paper, marked or stamped with any mark or stamp which he shall know to be counterfeited) or by writing or printing any such deed, instrument or other writing upon vellum, parchment or paper, that shall be marked or stamped for a lower duty as aforesaid, every such clerk, officer or person so guilty, and being thereof lawfully convicted, shall, instead of the penalty aforesaid, forfeit and pay the sum of five hundred dollars; and, if an officer of the United States, shall, in addition thereto, forfeit his office and be disabled to hold or enjoy the same for the future; and if any deed, instrument, or writing whatsoever, by this act charged with the payment of a duty, as aforesaid, shall, contrary to the true intent and meaning thereof, be written or printed, by any person or persons whomsoever, upon vellum, parchment,

or paper, not marked or stamped, according to this act, or upon vellum parchment or paper, marked or stamped, for a lower duty than ought to be paid upon the same, then, and in every such case, there shall be paid to the United States, for their use, over and above the duty herein before charged thereupon, for stamping every such deed, instrument or writing, the sum of ten dollars; and no such deed, instrument or writing shall be pleaded or given in evidence in any court, or admitted in any court to be available in law or equity, until it shall be stamped as aforesaid. And the supervisors, respectively, are hereby enjoined and required, upon payment or tender of the said duty and sum of ten dollars unto any of them, to mark or stamp the said vellum, parchment or paper, with the mark or stamp that shall be proper for such deed, instrument or writing, respectively; and if any person or persons whatsoever, shall counterfeit or forge any stamp or mark, to resemble any stamp or mark which shall be provided or made in pursuance of this act, or shall counterfeit or resemble the impression of the same upon any vellum, parchment or paper, thereby to defraud the United States of any [of] the duties hereby granted, or shall utter, vend or sell any vellum, parchment or paper, with such counterfeit mark or impression thereupon, knowing such mark or impression to be counterfeited; or shall privately or fraudulently use any stamp or mark, directed or allowed to be used by this act, in relation to the duties hereby laid, with intent to defraud the United States of any of the said duties, then every such person so offending, being thereof convicted in due form of law, shall be judged guilty of a misdemeanor, and be subject to be fined in any sum not exceeding one thousand dollars, and to be imprisoned for any term not exceeding seven years.

Penalty on counterfeiting.

On fraudulently using genuine stamps.

SEC. 14. *And be it further enacted*, That from and after the thirty-first day of December, no bank now established, or which shall be hereafter established, which shall not have compounded for the duty hereby required, shall issue any bank bill, or promissory note, unless upon paper duly stamped, and whereon the respective duties shall have been paid; and if the officer of any such bank, or any person or persons employed therein, shall thereafter issue any bill or note, not duly stamped as aforesaid, he or they shall forfeit and pay a fine equal to the value of the bill or note so issued.

Penalty on banks issuing bills or notes unstamped.

SEC. 15. *And be it further enacted*, That every person who shall be employed for the marking or stamping of vellum, parchment or paper, as aforesaid, before his acting in the marking or stamping of the said vellum, parchment or paper, shall take the following oath or affirmation: "*I [insert here the name of the person] do solemnly swear, [or affirm, as the case may be] that I will, according to the best of my knowledge and skill, faithfully, honestly and carefully execute the trust reposed in me, and will truly mark or stamp all vellum, parchment or paper which I shall be required or directed to mark or stamp, and will render a true and exact account thereof to the proper officer or officers, and will faithfully account for all monies which I shall receive therefor.*"

Oath to be taken by persons employed in stamping.

SEC. 16. *And be it further enacted*, That the said supervisors of the revenue, officers and other persons to be employed by them, shall, from time to time, for the better execution of their several duties and trusts, observe and execute such directions as they respectively shall, from time to time, receive from the department of the treasury; which department shall take care that the several parts of the United States shall, from time to time, be sufficiently furnished with vellum, parchment and paper, stamped or marked as aforesaid, so that the citizens thereof may have it in their election to buy the same of the officers or persons to be employed in and about the execution of this act, at the usual or most common rates above the said duty, or to bring their own vellum, parchment or paper, to be marked or stamped as aforesaid.

Duty of the supervisors &c. to obey the directions of the Treasury Department.

Duty of the Treasury Department.

What is to be done with stamped vellum &c. in case of the change of marks or stamps.

SEC. 17. *And be it further enacted*, That as often as any alteration or renewal shall be made of, or in the marks or stamps before in use, or any of them, it shall be lawful for all persons who shall, at that time, have in their custody or possession, any vellum, parchment or paper, marked with any mark or stamp, which shall be so altered or renewed, and upon which any of the matters or things hereby charged shall not have been written or printed, at any time within the space of sixty days, after the intention of renewing or altering shall be notified as aforesaid, to bring or send such vellum, parchment or paper, unto some office of inspection; and the officer of inspection, to whom they shall be brought or sent, is hereby required to deliver, or cause to be delivered, unto the several persons who shall so bring and deliver any quantity of vellum, parchment or paper, the like quantity of vellum, parchment or paper, and as good in quality, stamped with such new stamp or mark, without demanding or taking, directly or indirectly, for the same, any money or other consideration whatsoever. And in case any person shall neglect or refuse, within the time aforesaid, to bring, or cause to be brought and delivered unto some officer of inspection, any such vellum, parchment or paper, the same is hereby declared to be of no other effect or use, than if it had never been marked or stamped; and all matters and things which shall, after that time, be written or printed thereon, shall be of no other effect, than if they had been written or printed on vellum, parchment or paper not marked or stamped: And all persons who shall write or print any of the matters or things hereby charged, on such vellum, parchment or paper, after the said time, shall forfeit and suffer as herein before is enacted for persons writing or printing on vellum, parchment or paper not marked or stamped.

Officers collecting the duties to keep accounts and remit monies.

SEC. 18. *And be it further enacted*, That all and every the officer and officers who shall be concerned in the levying, collecting and receiving the duties arising by this act, shall keep a separate and distinct account thereof, and shall pay or remit the same, as speedily as may be, after it shall be received, according to the orders of the department of the treasury.

Salaries and incidental charges.

SEC. 19. *And be it further enacted*, That it shall be lawful for the President of the United States, to cause such sum and sums of money to be expended and paid, from time to time, for salaries, compensations, and other incidental charges as shall be necessary in and for the receiving, collecting, levying or managing of the said duties, so as that the whole amount thereof, shall not exceed five per centum of the gross total product of the said duties.

Penalties how to be sued and appropriated.

SEC. 20. *And be it further enacted*, That all fines, penalties and forfeitures, which shall be incurred by virtue of this act, shall be sued for and recovered in the name of the United States, or of the supervisor of the revenue, within whose district any such fine, penalty or forfeiture shall have been incurred, by bill or information, in any circuit or district court of the United States, or in any court of either of the said states; one half thereof to the use of the persons who, if an officer of inspection, shall first discover; if other than an officer of inspection, shall first inform of the cause whereby any such fine, penalty or forfeiture shall have been incurred (except in the cases in which a different disposition thereof may have been herein before made) and the other half to the use of the United States.

Limitation.

SEC. 21. *And be it further enacted*, That this act shall continue and be in force for, and during the term of five years, and from thence to the end of the next session of Congress, and no longer.

APPROVED, July 6, 1797.

CHAP. XII.—*An Act in addition to the law of the United States, concerning Consuls and Vice Consuls.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case it be found necessary, for the interest of the United States that a Consul be appointed to reside at Algiers; the President be authorized to allow him an annual salary not exceeding four thousand dollars.

APPROVED, July 6, 1797.

STATUTE I.

July 6, 1797.

Act of April 14, 1792.
Consul at Algiers,

CHAP. XIII.—*An Act for allowing full mileage to the members of the Senate and House of Representatives of the United States.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That at the present extraordinary meeting and session of Congress, the respective members of the Senate and of the House of Representatives shall be entitled to receive a full allowance of mileage, any law to the contrary notwithstanding.

APPROVED, July 6, 1797.

STATUTE I.

July 6, 1797.

[Obsolete.]

Ante, p. 448.

CHAP. XIV.—*An Act to revive and continue in force, for a limited time, an act, intituled "An act authorizing the transfer of stock standing to the credit of certain States."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several provisions of the act, intituled "An act authorizing the transfer of the stock standing to the credit of certain states," passed the second day of January one thousand seven hundred and ninety-five, be and they are hereby revived and continued in force until the fourth day of March, one thousand seven hundred and ninety-nine, and no longer.

APPROVED, July 6, 1797.

STATUTE I.

July 6, 1797.

[Obsolete.]

1795, ch. 10.

CHAP. XV.—*An Act laying an additional Duty on Salt imported into the United States, and for other purposes.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the thirtieth day of September next, there shall be levied, collected and paid upon all salt imported into the United States, in ships or vessels of the United States, in addition to the duty of twelve cents now payable by law, eight cents per bushel, and on all salt which, after the said thirtieth day of September, shall be imported into the United States, in ships or vessels not of the United States, the like additional duty of eight cents, and ten per centum thereon.

SEC. 2. *And be it further enacted,* That all drawbacks and allowances now authorized by law, in relation to the existing duty on salt imported into the United States, shall apply to the additional duty laid by this act, and that in addition thereto, there shall be allowed and paid upon provisions salted within the United States, except upon dried fish, upon the exportation thereof to any foreign port or place as follows, viz: on pickled fish at the rate of twelve cents per barrel, and on other provisions at the rate of ten cents per barrel; and from and after the first day of January next there shall be an addition of thirty-three and a third per centum to the allowances now respectively granted to ships or vessels employed in the bank or other cod fisheries, and in the terms provided

STATUTE I.

July 8, 1797.

[Repealed.]

Eight cents additional duty on salt imported in vessels of the U. States.

Eight cents and ten per cent. thereon, laid upon other vessels.

Drawbacks and allowances to apply to the additional duty.

Additional drawbacks and allowances.

by an act entitled "An act concerning certain fisheries of the United States and for the regulation and government of the fishermen employed therein," and during the continuance of the said act.

Mode of ex-
ecuting this act.
Ante, p. 145.

SEC. 3. *And be it further enacted*, That the act entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," shall extend to and be in full force for the collection of the additional duty laid by this act, and generally for the execution thereof, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained had been herein inserted and re-enacted.

Limitation.
Repealed
March 3, 1807.

SEC. 4. *And be it further enacted*, That this act shall continue in force for two years, and from thence unto the end of the next session of Congress, and no longer.

APPROVED, July 8, 1797.

STATUTE I.

July 8, 1797.

CHAP. XVI.—*An Act authorizing a Loan of Money.*

[Obsolete.]
New loan of
\$800,000.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby empowered to borrow on the credit of the United States, a sum not exceeding eight hundred thousand dollars, at an interest not exceeding six per centum per annum, reimburseable at the pleasure of the United States, or at such period as may be stipulated by contract not exceeding five years from the time of obtaining the loan, to be applied to such public purposes as are or may be authorized by law, and to be repaid out of the revenues accruing to the end of the present year and such further revenues as have been, or may be provided during the present session of Congress; and it shall be lawful for the Bank of the United States to lend the said sum.

How to be paid.

In case of de-
ficiency faith of
the United
States pledged
to make provi-
sion for it.

SEC. 2. *And be it further enacted*, That in case the existing revenues of the United States, together with such further revenues as have been, or may be provided, during the present session, shall be insufficient to discharge and reimburse the said loan, the faith of the United States is hereby pledged to make such further provision therefor, as may be necessary.

APPROVED, July 8, 1797.

STATUTE I.

July 10, 1797.

CHAP. XVII.—*An Act making additional appropriations for the support of Government, for the year one thousand seven hundred and ninety-seven.*

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the expenditure of the civil list; for the support of lighthouses; for the expenses of foreign intercourse; for certain expenses in relation to the military and naval establishments; and to satisfy certain miscellaneous demands the following sums be respectively appropriated; that is to say,

Specific ap-
propriations.

For the compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants estimated for a session of two months, seventy-seven thousand three hundred and eighty-nine dollars and sixty-six cents.

For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two houses of Congress, six thousand five hundred dollars.

For printing the laws of the present session, one thousand and fifty dollars.

For making good the allowance to clerks employed in the Department

of State, agreeably to law, two hundred and sixty-nine dollars and seventy cents.

Specific ap-
propriations.

For the salary of an additional clerk in the Department of State, to perform the duties of an accountant, and when not so employed to do the ordinary services of a clerk, eight hundred dollars.

For defraying the expenses of foreign intercourse for the year one thousand seven hundred and ninety-seven beyond the appropriations heretofore authorized by law, sixty thousand five hundred dollars.

For defraying any advances incidental to the intercourse of the United States, with the Mediterranean powers, to be applied under the direction of the President of the United States, and according to his discretion, a sum not exceeding forty-five thousand dollars.

For the salaries of two extra clerks in the office of the accountant of the War Department, eight hundred dollars.

For completing and equipping the frigates United States, Constitution and Constellation, two hundred thousand dollars.

For the pay and subsistence of the officers and crews of the said frigates, one hundred thousand dollars.

For the extra expenses authorized by law, during the present session in relation to the revenue cutters, ten thousand dollars.

For the repairs and fabrication of arms and cannon carriages, thirty-nine thousand dollars.

For completing the six months pay and subsistence of the officers discharged under the act of the third of March, one thousand seven hundred and ninety-seven, two thousand five hundred and eighty dollars.

Ante, p. 507.

For the Hospital Department, five thousand dollars.

For making good a deficiency arising from the balance of monies of various appropriations being carried to the credit of the "Surplus Fund," in pursuance of the sixteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, viz: for erecting a light-house on the head land of Cape Hatteras and a lighted beacon on Shell Castle Island, in the harbour of Ocracock, in the state of North Carolina, forty-four thousand dollars.

Ante, p. 433.

For enabling a remittance to the commissioners of the Dutch loans at Amsterdam, in payment for a quantity of saltpetre, seventeen thousand and thirty-one dollars and eighty-nine cents.

For repaying the Bank of the United States a sum advanced upon certain treasury bills drawn upon collectors of the revenue of the United States, in North Carolina, five thousand, one hundred and fifty dollars.

For the payment of the commissioner of loans for the state of Rhode Island, on account of two clerks who were employed in the year one thousand seven hundred and ninety-six, fifty-four dollars.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid and discharged out of the surplus of revenue and income beyond the appropriations heretofore charged thereon to the end of the present year.

How to be
paid.

APPROVED, July 10, 1797.